



"A Failure of Responsibility":
Report to Mayor David N. Dinkins on the
December 28, 1991 Tragedy
At City College of New York

PREPARED BY

MILTON MOLLEN
DEPUTY MAYOR FOR PUBLIC SAFETY

JANUARY 1992

TABLE OF CONTENTS

PREFACE	1
FACTS	3
I. INITIAL PREPARATION FOR THE GAMES	3
II. DECEMBER 20, 1991 GAME	7
A. <u>Contract for December 20, 1991 Game</u>	7
B. <u>Additional Security Arrangements for the December 20th Game</u>	8
C. <u>The Events of December 20, 1991</u>	10
III. DECEMBER 28, 1991 GAME	11
A. <u>Promotion Contract for December 28, 1991 Game</u>	11
B. <u>Contact with "AIDS Education Outreach Program"</u>	13
C. <u>Distribution and Sale of Advance Tickets</u>	15
D. <u>Promotion of the December 28, 1991 Game</u>	16
E. <u>Security Arrangements</u>	17
1. X-Men Security, Inc.	17
2. CCNY Security Arrangements	19
F. <u>Events of December 28, 1991</u>	23
G. <u>Related Information</u>	42
ANALYSIS	44
A. <u>Failure of Responsibility by Officials of City College</u>	44
B. <u>Failure of Responsibility of CUNY</u>	50
C. <u>Failure of Responsibility by ESG Representatives</u>	50
D. <u>Failure of Responsibility by Sean Combs</u>	52
E. <u>Failure of Responsibility by Many of Those Individuals Attending the December 28, 1991 Event</u>	54

F. <u>Failure of Responsibility of City Agencies</u>	55
1. New York City Police Department	55
2. 911 Police/EMS Communications	58

RECOMMENDATIONS	60
-----------------	----

A. <u>CUNY</u>	60
B. <u>CCNY</u>	61
C. <u>Representatives of Student Organizations</u>	63
D. <u>City Agencies</u>	64
1. Police Department	64
2. Emergency Dispatch Operations	64
3. Fire and Building Departments	65
E. <u>To Our Fellow Citizens</u>	65

EXHIBITS	
INDIVIDUALS INTERVIEWED	
SUBMISSIONS	

PREFACE

On the evening of Saturday, December 28, 1991, at a celebrity basketball game at the City College of New York (CCNY), eight individuals lost their lives in a stairwell leading to the CCNY Nat Holman Gymnasium. A ninth victim died on January 1, 1992 as a result of injuries sustained during the same incident. Immediately following this tragic occurrence, Mayor David N. Dinkins directed me to launch a thorough and expeditious investigation into the facts surrounding the event, the causes of the tragedy and recommendations to avoid a recurrence of a similar tragedy.

This report was compiled from facts adduced during 107 interviews conducted of CCNY officials and students, CUNY officials, individuals involved in promoting the event, CCNY and private security personnel at the event, representatives of the radio station KISS/FM, other eyewitnesses to the incident, as well as personnel from the New York City Police Department, the New York City Emergency Medical Service, the New York City Health Department, the New York City Fire Department, New York City Building Department and the Medical Examiners Office.

Reviews were also conducted of official City agency reports, documents and audio-tapes, including tapes of 911 calls, as well as amateur video tapes of the interior of the gym, and the lobby and the exterior of the building in the vicinity of the 138th Street entrance to the gym taken during the incident in question. A personal visit to the gymnasium and the surrounding area was also made.

While there is a great deal of confusion attending the circumstances of this chaotic and tragic event and some inconsistencies exist in witnesses' accounts, the following represents the facts which were ascertained during this investigation.

FACTS**I. INITIAL PREPARATION FOR THE GAMES**

During the months of November and December of 1991, the CCNY Evening Student Government (ESG) decided to sponsor a series of celebrity basketball games to be held in the Nat Holman Gymnasium at CCNY in order to raise funds for an evening student scholarship fund. Cassaundra Kirnon, the ESG President, is a full-time employee at the New York City Department of Cultural Affairs. In preparation for the events, Ms. Kirnon contacted Mr. John Araouzos, the Associate Athletic Director at CCNY, on or about December 2, 1991 in order to determine the availability of the Nat Holman Gymnasium, located in the CCNY Finley Center, for certain dates in the month of December. Mr. Araouzos indicated that the gym would be available on December 20 and 28th; however, he advised Ms. Kirnon that she would have to receive approval from Jean Charles, the Director of the Finley Center, in order to comply with appropriate reservation procedures. Following that conversation, Ms. Kirnon spoke to Mr. Charles and advised him of her intention to have a series of fundraising basketball games. Between December 2, 1991 and December 16, 1991, Mr. Araouzos received calls from Ms. Kirnon and Jose Frazier, Treasurer of the ESG, reiterating their request to reserve the gym -- in each instance, Mr. Araouzos referred them to Mr. Charles. During that

same period, Mr. Araouzos spoke to Mr. Charles on several occasions in order to remind him of the need to make appropriate arrangements for the events, if they were to go forward.

On or about December 16, 1991, Mr. Charles and Ms. Kirnon discussed the games which the ESG intended to organize. At that time, Ms. Kirnon described the two events as celebrity basketball games and she indicated her intention to have a "step show" during the half-time period of the games for entertainment. (Note: Step shows are boisterous events, usually held on college campuses, where organized teams compete against each other by performing highly choreographed rhyming routines). Mr. Charles advised Ms. Kirnon that he would check with appropriate college officials to determine whether step shows were permissible in the gymnasium. Sometime thereafter, Mr. Charles spoke to Mr. Paul Bobb, the CCNY Athletic Director, and was advised that step shows were not permitted in the gym. Mr. Charles later relayed this information to Ms. Kirnon.

On or about December 17, 1991, Mr. Charles provided Ms. Kirnon with two reservation applications for her to complete in order to secure the use of the gym on the dates in question, namely, December 20 and 28, 1991. The reservation forms provided to Ms. Kirnon requested various information about the intended event -- including a description of the event, expected attendance and the need for special arrangements. The two

applications which Ms. Kirnon submitted identified both events as "celebrity" basketball games and the notation "N/A" was made with regard to the expected attendance of the games. (Copies of the reservation forms completed by Ms. Kirnon are attached hereto as Exhibit A). The space for the description of the events was left blank -- and no reference was made to the participation of rap artists in the games. When Ms. Kirnon returned the forms to Mr. Charles, no inquiry was made by Mr. Charles to determine the types of celebrities who would be participating in the games or the exact nature of the events. Mr. Charles does not recall whether Ms. Kirnon, at that time, indicated that the game would involve rap artists. During an initial interview, Mr. Charles stated that when he received the forms from Ms. Kirnon and the issue of ticket sales arose, Ms. Kirnon advised him that she had made arrangements with a promoter who would handle all of the arrangements. In a subsequent interview, Mr. Charles indicated that Ms. Kirnon had said that she had some people "helping" her with organizing the event. Mr. Charles made no further inquiries into who the promoter or the "helpers" were.

On December 18, 1991, the reservation forms were approved by Mr. Charles and copies thereof were forwarded to the CCNY Business Office, the Security Office, the Buildings and Grounds Department and the Athletic Office. Although normal procedures require Mr. Charles to have a meeting with Ms. Kirnon and representatives of the various college departments involved

in the use of the gymnasium (i.e. Security, Athletics, etc.) to discuss necessary arrangements, no such meeting was held. Upon receipt of the reservation forms representatives of the various offices reviewed them and notified Mr. Charles of the fees to be charged to the ESG for the costs attendant to the use of the gym -- those figures were noted by Mr. Charles on the reservation forms. Among the fees charged to the ESG were the cost of CCNY security for the event which was calculated by Mr. Milton David of the CCNY Security Office who, after conferring with Mr. Charles, set the security detail for the games at one CCNY security supervisor and five Pinkerton security guards (Note: The CCNY's security force is comprised primarily of private security guards via a contract with a private security firm. The private security guards are under the control and direction of CCNY security supervisors. During the month of December, 1991 and for some time prior thereto, the contracting agency had been Pinkerton Security & Investigation Services). Mr. David stated that, when he spoke to Mr. Charles about the event, Mr. Charles indicated that the games would probably be attended by approximately 500 persons.

When Mr. Charles subsequently spoke to Mr. Araouzos about the scheduled events, Mr. Araouzos advised Mr. Charles of the need to ensure that the necessary insurance was in place for the games. At that time, Mr. Charles contacted the CCNY Business Office and was advised that the insurance costs for each game

would be \$535. When Mr. Charles relayed that information to Ms. Kirnon, she indicated that the "persons helping" her with the event would provide the necessary insurance. According to Mr. Charles, in the course of a subsequent conversation with Paul Bobb, Mr. Bobb indicated that since the games were "student" events, no insurance was needed. As a result, Mr. Charles never did anything further to determine whether the necessary insurance was obtained for the games.

II. DECEMBER 20, 1991 GAME

A. Contract for December 20, 1991 Game

After having decided that ESG should sponsor the celebrity basketball games, Ms. Kirnon contacted Mr. Tuffy Questel ("Tuffy") of the Video Music Box. Ms. Kirnon had been directed to Tuffy by a co-worker at the New York City Department of Cultural Affairs. Following these initial contacts, the ESG entered into a written contract with the Video Music Box for the December 20, 1991 game. The contract, dated December 16, 1991 (a copy of which is attached hereto as Exhibit B), provided that the Video Music Box would arrange to have 50 celebrities to play in the game and that the ESG would secure the use of the Nat Holman Gymnasium for the event. The contract further provided that the ESG would receive \$1,800 as full compensation for the services provided. According to Ms. Kirnon, the \$1,800 amount was

intended to cover the costs attendant to utilizing the CCNY gym and the remaining monies were to be utilized for an evening student scholarship fund. Ms. Kirnon also indicated the December 16th contract was prepared by ESG based on a form contract which Mr. Charles provided to her from the CCNY Business Office. Mr. Charles denied providing any such document to Ms. Kirnon. I note, however, that both contracts entered into by Ms. Kirnon for the celebrity basketball games followed closely the standard form of contract utilized by the college administration (a copy of which is attached hereto as Exhibit C).

B. Additional Security Arrangements For the December 20th Game

On December 19, 1991, Ms. Kirnon contacted the 26th Police Precinct in order to secure the use of wooden police barricades for the December 20th game. Ms. Kirnon spoke to Police Officer Felicia Duke, the precinct's Community Affairs Officer, who had no prior knowledge of the event. At that time, Officer Duke asked Ms. Kirnon if she had contacted the CCNY Security Office, and Ms. Kirnon replied that she had not. Officer Duke noted that under normal procedures, the precinct would be contacted by the CCNY Security Office if police assistance was needed for an event at the campus. During their conversation, Officer Duke requested that Ms. Kirnon send her a copy of the flyer for the December 20th game via the fax machine.

Upon receipt of the flyer for the December 20th game (a copy of which is attached hereto as Exhibit D), Officer Duke became concerned about the event, particularly in view of the various artists listed on the flyer. Officer Duke stated that she then telephoned the CCNY Security Office and spoke to Mr. Charles Delaney, the CCNY Director of Security. Mr. Delaney had no knowledge of the event and indicated that he would contact Ms. Kirnon and call Officer Duke back. Mr. Delaney then telephoned Ms. Kirnon and raised concerns about security for the December 20th game. According to Ms. Kirnon, Mr. Delaney indicated that he would arrange to have some officers from the precinct to cover the game, along with CCNY security, and Ms. Kirnon advised him that Tuffy would bring some security as well. Mr. Delaney then returned Officer Duke's call and advised her that he would provide necessary CCNY security and Officer Duke indicated that police would also be on hand.

During subsequent interviews, Mr. Delaney did not recall these conversations and stated that he was first made aware of the December 20th game only a few hours before the event.

Mr. Paul Bobb stated that on December 18, 1991, he came across the flyer for the December 20th game. Upon reviewing the flyer, Mr. Bobb had some concern about the event primarily because of the advertisement of a step show during the game's

half-time period. Despite this concern, Mr. Bobb acknowledged that he never took any action on the issue. Mr. Bobb was also concerned about security but since he assumed that Mr. Charles had contacted the Security Office, he did not speak to Mr. Delaney about the matter.

During that period of time, Mr. Araouzos showed Mr. Charles the flyer for the December 20th game, and noted that the ESG was not mentioned on the flyer, and that a half-time step show was advertised in violation of college rules. Mr. Charles stated that when he later spoke to Ms. Kirnon about these issues, she advised him that the flyer was a "mistake".

C. The Events of December 20, 1991

On the evening of December 20, 1991, the police detail, consisting of a sergeant and six officers, arrived at the CCNY gym at between 5:00 and 6:00 p.m. Contrary to initial expectations, approximately 2,200 to 2,500 spectators attended the December 20th game. With the exception of a minor incident involving shoving by persons on line awaiting entry into the building, there were no incidents of unruly or violent behavior.

Mr. Araouzos was present at the December 20th event and, although the event occurred without incident, he was concerned over what he perceived to be inadequate security. Mr.

Araouzos expressed those concerns to Ms. Kirnon and Mr. Charles that evening. Ms. Kirnon and Mr. Charles both replied by stating the game was proceeding smoothly and indicated no concern as to security.

III. DECEMBER 28, 1991 GAME

A. Promotion Contract for December 28, 1991 Game

In early December 1991, during a discussion of the "Magic" Johnson story, Sean Combs (a/k/a Puff Daddy) decided to arrange a celebrity basketball game, featuring rap artists, in order to raise concern over the AIDS crisis. Mr. Combs had discussed the game with rap artist Heavy D. who agreed to participate in the event. Shortly thereafter, during a discussion of potential sites, Mr. Combs asked an associate, Ms. Tara Geter, if she would contact CCNY to determine if the college would host the game.

In early December 1991, Ms. Geter telephoned CCNY and was referred to the ESG office. Ms. Geter spoke to Jose Frazier. During their initial conversation, Mr. Frazier indicated that the ESG was interested in sponsoring the event and that the gym was available on Saturday December 28, 1991. Ms. Geter was also advised of the capacity of the gym (i.e. 2,730 persons). Mr. Frazier further explained to Ms. Geter the various costs

associated with utilizing the CCNY gym and he expressed the interest of the ESG to raise money for an evening student scholarship fund. It was ultimately agreed that the ESG was to receive the sum of \$1,850 to pay the costs for the use of the gym and the remainder to be applied to the scholarship fund.

On December 19, 1991, Ms. Geter was given \$850 in cash by Mr. Combs for a deposit to be paid to the ESG. On that same day, Ms. Geter met Ms. Kirnon and gave the deposit to her. Ms. Kirnon signed a contract on behalf of the ESG and Ms. Geter signed the contract on behalf of Sean Combs (A copy of the contract is attached hereto as Exhibit E). The contract provided that ESG would be paid \$1,850 and that Mr. Combs would provide a minimum of 20 celebrities for the December 28th game. The contract further stipulated;

"The Evening Student Government will provide the facility, additional security with metal detectors, chairs and tables. Insurance for the event will be provided by the Contractor (Sean Combs) according to CCNY regulations as well as all celebrities, promotional materials and the needs of the artists involved. In the event that the game is canceled, the deposit will not be refunded. Also, the Contractor (Sean Combs) should clearly have the responsibility to return collected funds from prepaid tickets to spectators.

"The Contractor (Sean Combs) shall carry paid up insurance to protect the Contractor (Sean Combs), the Evening Student Government and City College of New York (CCNY) against any and all claims, loss or damage, whether in contract or tort, including claims for injuries to, or death of persons, or damage to property, which are attributable to the negligence or any other acts of the Contractor (Sean Combs), its employees, or otherwise.

"The Contractor (Sean Combs) assumes the risk of, and shall be responsible for, any loss or damage to CCNY property, including property and equipment leased by CCNY, used in the performance of this Agreement.

"The Contractor (Sean Combs) agrees to indemnify the Evening Student Government and CCNY and hold each of them harmless from any and all liability or claim for damages due to any such loss or damage to any such property on the campus."

That afternoon, Ms. Geter returned to Mr. Combs' office with the contract. Mr. Combs was speaking on the telephone at the time, and Ms. Geter then placed the contract in an envelope and left it for Mr. Combs. Mr. Combs stated that he read the contract in a cursory manner but that he never read the contract in detail prior to the event, and he acknowledged that he never obtained insurance for the event.

B. Contact With "AIDS Education Outreach Program"

Mr. Combs stated that he directed Ms. Geter to contact various AIDS prevention organizations in order to make arrangements to have representatives of such an organization present at the December 28th game to distribute AIDS education material and condoms. Mr. Combs also requested that Ms. Geter arrange to make a donation of a portion of the proceeds of the game to such an AIDS organization. Following Ms. Geter's initial contacts, she was referred to the Office of the Mayor and ultimately directed to the AIDS Education and Community Outreach Unit of the New York City Health Department. According to Ms.

Geter, she telephoned and spoke with Mr. Norman Williams at that office on two or three occasions, and requested that the office have a table and someone at the December 28th game in order to distribute AIDS education material and condoms. She indicated that Mr. Williams advised her that there would be no problem with her request, although he would need to speak to another person in the office, a Peter Serries. Ms. Geter stated that when she raised the possibility of monetary donations with Mr. Williams during their conversations, he stated that his office, as a unit of a City department, could not accept money but that there were several private AIDS organizations which would accept contributions, several of which Mr. Williams allegedly named for Ms. Geter. During a subsequent interview, Ms. Geter explained that she was scheduled to leave New York on December 20, 1991 for approximately one week to attend a family funeral, and that on December 19th, she left a telephone message with Mr. Williams' office to contact either her or Mr. Combs to confirm the attendance of someone with appropriate material at the game. Ms. Geter had no further involvement in the matter. Mr. Combs indicated that he had assumed that Ms. Geter had made all the necessary arrangements in this regard before she left, and he never had any contact with the Health Department.

Mr. Williams stated that his first contact with Ms. Geter was on or about December 18, 1991 at which time she requested someone from his office to attend the December 28th

game and hand out AIDS education material. Mr. Williams advised Ms. Geter that he would take down the information and forward it to Mr. Peter Serries, who would handle the request. Mr. Williams then relayed the information to Mr. Serries on December 18th. The following day, Mr. Serries spoke to Ms. Geter and requested that she put her request in writing in order that he could make the necessary arrangements for compensatory time for the staff person who would be at the game. Ms. Geter never submitted a written request, and as a result, no one was sent to the game. Mr. Williams and Mr. Serries both deny any conversation with Ms. Geter regarding the donation of monies to the AIDS Education and Community Outreach Program.

C. Distribution and Sale of Advance Tickets

Sometime following Ms. Geter's initial contact with the ESG at CCNY, Sean Combs authorized the printing of 2,000 advanced sale tickets for the December 28, 1991 game. (A copy of Mr. Combs' print order is attached hereto as Exhibit F). During that same period, flyers were printed advertising the event and indicating that advanced sale tickets could be purchased either at the Apollo Theater or at the Boss Emporium (A copy of the flyer is attached hereto as Exhibit G). According to Mr. Combs, the Apollo Theater ultimately declined to distribute or sell tickets to the event because of the Apollo Theater's affiliation with a radio station which was in competition with KISS/FM, the

radio station which had been retained to advertise the game. A representative of the Apollo Theater, however, agreed to refer persons inquiring about tickets to the Boss Emporium.

The Boss Emporium eventually sold 1,440 advanced sales tickets for the event at a cost of \$12.00 per ticket. The Boss Emporium received \$.50 for every ticket sold. An additional 70 tickets were sold by two of Mr. Combs' friends. KISS/FM provided 10 pairs of free advance tickets to its listeners and an additional 100 complimentary tickets were handed out by Mr. Combs and Heavy D.

Tickets for the event which were purchased on the evening of the game at the gymnasium were \$20.00 each. According to Mr. Combs, approximately 500 tickets were sold at the game.

D. Promotion of the December 28, 1991 Game

Mr. Combs had requested an acquaintance, Mr. Louis Tucker, to contact the KISS/FM radio station with regard to the promotion of the game through radio advertisement spots. Mr. Tucker contacted an account executive at the station and received information regarding the cost and times of advertisements. Mr. Tucker relayed the information to Mr. Combs and it was determined that they would purchase ten commercials to be aired during the period from December 20 to December 28, 1991.

During the discussions with the radio station, it was agreed that the radio station would be provided with ten pair of free advance tickets to give to its listeners and the station would provide approximately eighteen thirty-second promotional spots for the game free of charge. It was also agreed that KISS/FM would be permitted to hang posters in the gym for the game.

On the evening of December 27, 1991, the day before the game, Heavy D and Mr. Combs participated in a weekly radio program at the KISS/FM station for the countdown of the top records. During the course of the program, Heavy D and Mr. Combs made some references to the game to be played the following day at CCNY.

E. Security Arrangements

1. X-Men Security, Inc.

Sean Combs requested Louis Tucker to make arrangements for security at the game. Although Mr. Combs intended to bring his seven security guards to the event, he wanted a larger security presence at the event to conduct frisks and provide crowd control. Mr. Combs suggested that Mr. Tucker contact Spike Lee's movie production company to obtain a reference for a security guard company. As a result of those contacts, Mr.

Tucker was referred to the X- Men Security Inc. (Note: X-Men Security, Inc. is a licensed security firm which, contrary to earlier reports, is not related to the Fruit of Islam).

On or about December 26, 1991, Mr. Tucker telephoned Mr. Anthony Richard, the President of X-Men Security, Inc. ("X-Men") and requested that the X-Men provide security at the game. (Note: Mr. Richard is a correction officer in the New York City Department of Correction. He had been granted permission on May 3, 1990 by the Department of Correction to engage in employment with a security firm). Mr. Richard indicated that he usually does not accept requests on short notice; however, since Mr. Tucker indicated that Heavy D. and Spike Lee had referred him to the X-Men, Mr. Richard agreed to provide security for the game. During his initial conversations with Mr. Tucker, Mr. Richard advised him of the X-Men's normal fees for security, which Mr. Tucker indicated were too high. In subsequent conversations, Mr. Tucker told Mr. Richard that the game was a charity event and, as a result, Mr. Richard ultimately agreed to charge \$1,500 for approximately 15-20 guards. It was further understood that the X-Men would be utilized solely for security outside the building and to conduct frisks of those entering the building.

2. CCNY Security Arrangements

On Monday, December 23, 1991, Jean Charles received a telephone call from Ms. Kirnon requesting additional security for the upcoming game on December 28th. As previously indicated, the security detail which had been set for the December 28th game was one CCNY security supervisor and five Pinkerton guards. According to Mr. Charles, after he received Ms. Kirnon's call, he went to Mr. Delaney's office and relayed her request to Mr. Delaney. Mr. Charles also indicated that he advised Mr. Delaney that one of the police officers at the December 20th game had suggested that the college have wooden barricades on hand for the upcoming game. Mr. Charles stated that Mr. Delaney made a notation on his desk pad of these matters. Mr. Delaney does not recall this conversation and maintains that he never spoke to anyone about the December 28th game until Friday, December 27th.

During the week of December 23rd, Mr. Araouzos' office began receiving an unusually large number of phone calls requesting information about tickets to the December 28th game. On or about Thursday, December 26th, Mr. Araouzos came across a flyer for the December 28th game and, as a result, became concerned about the event.

On Friday, December 27th, Mr. Araouzos spoke with Paul Bobb and showed him the flyer for the December 28th game. Mr. Araouzos also spoke to George McDonald, CCNY Vice President for Student Affairs, and when Mr. Araouzos raised a concern over the security for the event, he was directed to contact Mr. Delaney. Sometime thereafter, Mr. Araouzos gave the flyer for the December 28th game to Mr. Timothy Brown, a CCNY security supervisor who worked under Mr. Delaney.

At approximately 2:00 p.m. on December 27th, Mr. Brown brought the flyer to Mr. Delaney's attention. Upon reviewing the flyer, Mr. Delaney became concerned about the nature of the event, and the large numbers of persons it might attract. He had a copy of the flyer delivered to Police Officer Felicia Duke at the 26th Precinct and, when Mr. Delaney telephoned Officer Duke later that day, he expressed his concerns about the game. Officer Duke agreed to take steps to increase the police detail for the event. Officer Duke later spoke to the commanding officer of the precinct, and the Borough Task Force was notified to be in the vicinity of and be ready to respond to the CCNY area the following evening.

Mr. Delaney also contacted Cassaundra Kirnon's office and left a message for her to contact him that afternoon.

At that approximate time, Ms. Kirnon was meeting with Sean Combs at his office to discuss the arrangements for the game. During their initial conversation, Mr. Combs advised Ms. Kirnon that approximately 1,500 advance sale tickets had been sold to the event. Mr. Combs also explained that he had arranged to have a security force (which he assumed to be the Fruit of Islam) to be at the game, and that many of the rap artists would be bringing their own security. Mr. Combs further indicated that he intended to place some of the guards at the entrances to the building in order to conduct frisks of those attending the game, and additional guards would be stationed inside the gym and others outside the building. Mr. Combs expressed the view that, given the various security forces which would be present at the game, it would be necessary for CCNY security to play a coordinating role for the security.

In response to Mr. Combs' remarks, Ms. Kirnon stated that she would relay his request to Charles Delaney at CCNY and she telephoned Mr. Delaney from Mr. Combs' office. During that telephone conversation, Ms. Kirnon advised Mr. Delaney of her conversation with Mr. Combs and Mr. Delaney agreed that his security people would coordinate security. According to Ms. Kirnon, Mr. Delaney was also pleased to learn that the Fruit of Islam would be at the event given their experience with young black adults. Mr. Delaney raised some concern over the size of the expected crowd. Ms. Kirnon advised Mr. Delaney that

. . . .

. . . .

approximately 1,500 tickets had been sold to date, and, in response, Mr. Delaney told Ms. Kirnon that she should take steps to stop advance ticket sales.

Although Mr. Delaney indicated that following his conversations with Ms. Kirnon, he took steps to discuss the need for increased security at the event with his assistant, Milton David, Mr. David stated that no such discussion took place that afternoon.

On the evening of the 27th of December, Milton David was in the CCNY security office when the dispatcher received a call at approximately 6:00 p.m. from an individual seeking tickets to the December 28, 1991 game. The dispatcher advised the caller that the office did not handle the tickets and that as far as she was aware, the event was sold out. As a result of that phone call, Mr. David spoke to the dispatcher about the game and, at that time, the dispatcher showed him the flyer for the December 28th event. Upon viewing the flyer, Mr. David "panicked". Realizing that the CCNY security detail for the event of one CCNY security supervisor and five guards was inadequate, Mr. David immediately commenced efforts to secure additional guards for the event. Most of the Pinkerton guards Mr. David spoke to that evening refused to work at the game. Mr. David also called Mr. Charles and the Pinkerton agency representative but both had left for the evening. Mr. Delaney

was not in his office, and Mr. David stated that he did not have Mr. Delaney's home telephone number.

F. Events of December 28, 1991

Mr. David came into work at 11:00 a.m. on December 28th, although it was his day off, in order to ensure that increased security arrangements would be made. He was eventually able to secure the presence of an additional 17 security guards to cover the event by drawing from the officers detailed to other CCNY buildings throughout the campus. Before leaving for the day at 2:00 p.m., Mr. David also contacted the 26th Precinct and left a message about the event.

During the morning of December 28, 1991, ESG representatives arrived at the gymnasium and began to make preparations for the game. By approximately 2:00 p.m., individuals began arriving at the campus and forming lines in front of the 138th Street entrance to the gymnasium which fronts on Convent Avenue.

The 138th Street entrance consists of two sets of glass entrance doors on either side of a glass enclosed lobby area. Each set of glass doors enter into an interior vestibule area and an interior set of glass doors which open into the lobby. The lobby leads to a steep 12 x 7 foot descending

stairwell to the gym which is located in the front area of the lobby. Four metal fire doors are positioned at the bottom of the stairwell each of which can only be opened from inside the gymnasium into the stairwell. (Note: At my direction, Building Department representatives visited the scene and determined that the stairway was constructed within code provisions.)

At approximately 3:00 pm, a large crowd had already assembled in front of the 138th Street entrance awaiting entry to the gymnasium. At that approximate time, Anthony Richard, the President of the X-Men, arrived with a few of his personnel to begin making necessary preparations. Mr. Richard was surprised by the large number of people already congregating at the building. X-Men personnel took steps to position wooden barricades which were located in the area in front of the gym to form ticket lines. An advance ticket holders line was formed at the northern set of glass doors parallel to Convent Avenue; a non-ticket holders line was similarly formed at the southern set of glass doors. During this time, Mr. Richard entered the building and introduced himself to Louis Tucker, who he had not met prior to that night. Mr. Richard stated that Mr. Tucker was his only contact with the sponsors of the event.

The CCNY security supervisor for the event, Timothy Brown, entered the 138th Street lobby at approximately 3:30 p.m. and spoke to Cassaundra Kirnon. During that conversation, Ms.

Kirnon introduced Mr. Brown to Louis Tucker, who she indicated was in charge of security for the promoter. Mr. Richard was also in the lobby at that time. According to Ms. Kirnon, she advised Mr. Brown that, in accordance with her previous conversation with Mr. Delaney, the CCNY security would be in charge of coordinating security and Mr. Brown consented. Mr. Brown did not recall that conversation although he acknowledged meeting Louis Tucker. Mr. Tucker stated that he never represented himself as the head of the promoter's security and never discussed security with anyone that evening.

No conversations occurred among Mr. Brown, Mr. Richard or Mr. Tucker regarding the coordination of the security forces at the event. Nor were there any conversations between any of these three men and any police officer regarding the coordination of security or any form of communication among them.

Mr. Brown stated that when the Pinkerton guards arrived for duty at the gymnasium, they were stationed at the various entrances to the building in order to ensure that the entrances, other than 138th Street entrance, remained closed. Mr. Brown, Captain Vargas, one of the senior Pinkerton guards on duty, and several other guards remained in the vicinity of the 138th Street entrance during various times in the evening.

At approximately 3:45 p.m., Jessica Rosenblum, associate of the promoter, Sean Combs a/k/a Puff Daddy, arrived at the gymnasium and began to make necessary arrangements for the handling of tickets and ticket sales for the game. Sean Combs also arrived at the gymnasium during this time. Two tables were placed in the lobby near the top of the stairs and two women were seated at each table. Ms. Rosenblum had previously purchased two rolls of numbered tickets and a clicker to assist in counting the number of persons attending the game. Individuals seeking entry to the game were to turn in their advance tickets or pay \$20.00 at the tables and, in return, they would be given a numbered ticket and their hand would be stamped. Thereafter, these individuals would descend the stairs and enter the gym after turning in the numbered ticket and having their hand checked by a man standing inside the stairwell at the door. The far left hand door at the bottom of the stairwell was the only door open in order to control entry into the gym. The guard at the bottom of the stairwell was neither an X-Men guard nor a CCNY security guard, but was apparently a guard hired by Sean Combs who could not be identified by Mr. Combs in subsequent interviews.

By 4:00 p.m., approximately 1,500 persons were lined up outside the gym -- at this time the crowd was orderly and waiting in line. During this period a group of 100 Fruit of Islam members were circulating in front of the building and

selling newspapers. At one point, the group was called to attention by a senior member and the majority of the group marched off the campus. Mr. Delaney, who arrived on the campus at this approximate time, witnessed this incident and he mistakenly assumed that those Fruit of Islam members who had remained were to provide security for the event. Mr. Delaney then proceeded to his office across Convent Avenue, where he had a full view of the 138th Street entrance doors to the gym.

Sergeant Randall and ten police officers arrived at the CCNY campus at approximately 5:00 p.m. and a large crowd which they estimated to be 200 - 300 were assembled on Convent Avenue and the sidewalk. Sergeant Randall detailed officers to various locations on Convent Avenue in order to clear the street for traffic. He then proceeded into the 136th Street entrance to the lobby area and asked to speak to the head of security. At that time, Sergeant Randall was introduced to Anthony Richard -- no conversations regarding security took place. Sergeant Randall then exited the building and stationed a few officers near the front lobby doors.

At approximately 7:00 p.m., ticket holders to the game were permitted to enter the building through the northern entrance doors. As individuals entered the first set of doors, X-Men security guards conducted body frisks after which the individuals proceeded to the ticket tables. The flow of people

was controlled by the guards conducting the frisks, although the crowd outside the building began to increase and mill about in front of the lobby entrance. At approximately 5:30 p.m., several of the celebrities who were to participate in the game began arriving and they were escorted into the 138th Street entrance to the building by Mr. Combs' assistants. As a result, the crowd of people awaiting entry to the game began to become restless and push forward. Police officers and several X-Men security personnel then began to cordon off the area on the sidewalk immediately in front of the lobby to create a frozen zone. The video tape taken of the exterior of the building beginning at approximately 5:20 p.m., demonstrates that a large crowd at this time was milling about in front of the lobby entrance and somewhat out of control.

At approximately 5:45 - 6:00 p.m., the crowd continued to increase in size and were pushing forward into the entrance areas. The crowd also began to topple the barricades in front of the lobby and press up against the glass windows. Several police officers and X-Men security personnel positioned themselves in front of the glass doors and windows attempting to keep the crowd back, but the surge continued. Although the ticket holders' line leading to the northern entrance was still being allowed into the lobby at this time, several non-ticket holders gained access to the lobby through the northern set of doors. When individuals on the ticket holders line observed the sale of tickets taking place

inside the lobby they began complaining and pushing forward. At that same time, non-ticket holders were being permitted to enter the lobby from the other entrance.

Witnesses inside the lobby stated that the glass window panes in the lobby began to sway because of the movement of the crowd. One of the glass panes in the glass doors was broken and the police were requested to enter the lobby and clear the area. The police complied with that request. Mr. Combs indicated that during this time period, he approached several officers in the lobby and requested that they utilize a bullhorn to advise the crowd outside that non-ticket holders should leave the campus. It is unclear whether such efforts were made.

At 6:04 pm. Sergeant Randall requested the Manhattan North Task Force to respond to the scene in order to assist with the large crowd.

At approximately 6:15 p.m., Anthony Richard and Sergeant Randall were outside the 138th Street lobby entrance with their respective personnel attempting to keep the crowd from surging into the lobby. In an attempt to ease the pressure of the crowd at that entrance, they decided to move some of the crowd down toward the 136th Street entrance to the building. The 136th Street entrance, which also fronts on Convent Avenue, provides access to a corridor leading to the 138th Street

entrance lobby. Several X-Men security personnel together with several police officers moved down to the 136th Street entrance and began providing entry to the building to ticket holders and ticket purchasers. Mr. Richard and Sergeant Randall were both positioned at this location. As individuals entered the 136th Street entrance, they were frisked by X-Men security and were directed down the corridor. Within several minutes the pressure of the crowd at this entrance increased and the police officers and security personnel attempted to hold the crowd back. Several people began passing out and were pulled into the doors and revived. Eventually, the crowd stormed through the second set of glass doors at the 136th Street entrance and ran down the corridor.

The crowd at the 138th Street entrance was also continuing to pressure the doors. X-Men personnel and police officers attempted to control the crowd but to no avail. One X-Men guard observed a woman's leg being pinned under one of the toppled barricades but, as he attempted to bend down and assist the woman, the force of the crowd pushed him into the lobby of the building. The outer glass doors on the northern side of the 138th Street entrance were shattered and were pulled off the hinges and X-Men security personnel inside the lobby were attempting to contain the people in the vestibule area.

At approximately 6:20 pm, two additional sergeants and fifteen police officers from the Manhattan North Task Force together with five additional officers from the 30th Precinct arrived on the scene and began clearing the sidewalk and street area near the 138th Street entrance. At approximately 6:30 pm, Duty Captain Daniel Carlin, who was regularly assigned to the 34th Precinct, was monitoring the activities by radio, arrived on the scene and directed his officers to barricade the northern set of doors at the 138th Street entrance. The doors were barricaded and the individuals were directed to the southern set of doors. Additional officers were assigned to place barricades in front of the lobby windows and create a frozen zone. Other officers were detailed to maintain the crowd on the sidewalk on Convent Avenue between the 138th and 136th Street entrance. At this time, 29 additional officers from the 32nd Precinct, who had been mobilized by the precinct at the request of the Duty Captain, arrived on the scene and assisted in crowd control efforts. The police force then consisted of the Duty Captain, three sergeants and fifty nine officers. They were deployed in the following manner: (a) one sergeant and 15 officers were assigned to the 138th Street entrance to the building; (b) one sergeant and 15 officers were assigned to Convent Avenue between 136th and 138th Streets; (c) one sergeant and 15 officers were assigned to the 136th Street entrance to the building; and (d) one sergeant and 11 officers were at-large for deployment.

According to various witnesses, the outside crowd appeared to begin to become under control at approximately 6:50 p.m. At approximately 6:50 p.m. Mr. Delaney left his office across the street from the gym, approached Captain Carlin and introduced himself as the Director of Security. In response to the captain's inquiry, Mr. Delaney advised him that there were no problems and that security, which he mistakenly identified as Fruit of Islam, was handling the lobby area and campus security was in the gym. Notably, Mr. Delaney had not been in the gym prior to that point, and apparently was unaware of the conditions in the gym and in the lobby. He later gained entry to the gym through a rear entrance.

For the next several minutes, the crowd was being contained in the southern vestibule area and frisks were continuing to be conducted by X-Men personnel. The vestibule area was filled with people and the lobby traffic was heavy. During this approximate time period (i.e. 6:50 p.m.) Sean Combs and Jessica Rosenblum were in the lobby area and concern was expressed over the need to secure the money at the ticket tables. Ms. Rosenblum then proceeded to pick up the two cashier trays filled with money in her arms and walk down the stairs into the gym. Ms. Rosenblum was followed by one of Mr. Combs' guards and four of the women seated at the ticket tables. Other members of Mr. Combs' staff remained in the lobby, including Sean Combs, to take tickets.

One witness, Benjamin Andrews, had entered the lobby at this approximate time. Mr. Andrews had arrived at the campus at 6:40 - 6:45 p.m. with his cousin and several friends who were part of a rap group (Mr. Andrew's cousin and two of his friends were fatal victims of the crush in the stairwell) and made their way to the 138th Street entrance. Mr. Andrews' group were able to gain access to the lobby because of their connection with the rap group. When they entered the lobby, there were several people in the lobby but it did not appear that there were any ticket takers in the area. Mr. Andrews and his friends proceeded down the stairwell -- at that time, the doors to the gym were all closed and approximately 50 persons were standing at the bottom of the stairs. Mr. Andrews indicated that the crowd was waiting for the door to open for a minute or two -- no pushing occurred during that time.

A few minutes later, the crowd above surged into the lobby and proceeded down the stairwell. Several witnesses stated that the ticket tables were pushed aside and people began running down the stairs. There was no security personnel on the staircase. Sean Combs had already run down the stairs and was able to gain access to the gym through one of the doors. Once inside, Mr. Combs, and others at the door, began pulling people into the gym who appeared to have passed out in the stairwell because of the pressure of the crowd.

Mr. Andrews, who was still on the stairwell at this time, estimated that a rush of at least 150 persons ran into the stairwell and began pushing against the individuals who were already standing at the bottom. The one door at the bottom of the stairs was slightly open. Mr. Andrews was standing near the stairwell wall and began to have difficulty breathing because of the pressure against his chest. He squatted down against the wall to relieve the pressure but within a few minutes he began to pass out because of the heat and lack of air.

Several officers positioned outside the 138th Street lobby indicated that the lobby and stairwell was filled with people at this point. One officer observed a commotion on the stairwell, and relayed this information to the Duty Captain who was standing nearby. The Duty Captain responded by indicating that he was targeting his efforts towards gaining control of the crowd outside the building.

During this time, several Pinkerton guards who were standing in the lobby area of the 138th Street entrance overheard a radio transmission on their walkie-talkies stating "people going down." The radio transmission, which was logged in at 7:11 p.m., was made by Lieutenant Anthony Hicks, a Pinkerton guard who had been in the rear of the gym and had walked over to the 138th Street stairwell entrance as the first few victims were being pulled in. The Pinkerton guards in the 138th Street lobby were

unable to gain access to the gym through the stairwell because of the crowd, so they ran down the corridor to other gym entrances. As they were running, the guards overheard a radio transmission from Lieutenant Hicks to the Security Office dispatcher requesting ambulances. That radio transmission was made at approximately 7:24 p.m., and the CCNY Security Office dispatcher relayed the transmission to the 26th Precinct sometime thereafter.

Individuals inside the gymnasium in the area of the 138th Street entrance stairwell were making efforts to open the door on the far right side and pull people into the gym. Several bodies were pulled into the gym and several individuals on the stairwell were able to gain entry. A video tape taken of the scene reflects that the process of emptying the stairwell took approximately ten minutes. It is estimated that the crush in the stairwell originated at approximately 6:55 pm.

Bodies of the victims of the crush in the stairwell were placed on the floor immediately inside the doorway and various individuals on the scene began to perform CPR on the victims in an attempt to resuscitate them.

Benjamin Andrews, who had started passing out on the stairs, indicated that someone came into the stairwell and helped him stand up and get some air. When Mr. Andrews entered the gym,

he observed various people lying on the floor, including several friends, and more people were being dragged into the gym from the stairwell. Mr. Andrews took a friend's portable phone and called 911 to request ambulances. A review of the 911 audio tapes and transcripts indicate that Mr. Andrews' call at 7:04 p.m. was the first call made to 911.

While the process of clearing the stairwell was under way, the gym was approximately three-quarters full and most of the individuals in the gym were unaware of the problems in and around the stairwell. Rap artist, Doug E. Fresh, who was aware of some commotion in that area, took control of the microphone which had been set up for the game and made repeated requests to have individuals clear the area in front of the doors. When he was made aware of the need for medical attention, he requested that those in the gym with cellular telephones call 911 for ambulances, and he asked those who knew CPR to go to the front stairway area. Several persons at that approximate time called 911 from a pay phone which was located in the rear of the gym.

During this time, John Araouzos, who was in the rear of the gym with Vice President George McDonald and Athletic Director Paul Bobb became concerned over the size of the crowd. None of the men were aware of the commotion at the entrance to the gym. Mr. Araouzos decided to go to the front lobby to request that ticket sales cease. When he arrived at the

stairwell at the entrance of the gym at approximately 6:45 - 7:00 p.m., he observed several people on the floor receiving CPR. Mr. Araouzos forced his way up the crowded stairwell and out of the lobby area which was filled with people. Mr. Araouzos proceeded to the Duty Captain who was standing on the sidewalk in front of the 138th Street entrance, and requested assistance in the gym. According to Mr. Araouzos, although he indicated that medical assistance was needed inside the building, the Duty Captain was initially unresponsive and lectured him at length that the police were only responsible for maintaining order outside the gym. Several minutes later, the captain radioed for assistance. Although Captain Carlin recalled speaking to Mr. Araouzos, he stated that Mr. Araouzos initially indicated concern for damage in the gym -- it was only after another individual came over and stated that people were "falling out" that he understood the gravity of the situation and he immediately called for medical assistance.

At this same time, several officers stationed in front of the 138th Street entrance, observed a number of people running up the stairwell, banging on the glass panes and requesting ambulances. The information was relayed to the Duty Captain who radioed for assistance. Several officers were then sent into the 138th Street lobby in an effort to clear the area. Two officers inside the lobby were approached by an unknown black male who requested that they follow him into the gym to assist injured

persons inside. The officers followed the man down a corridor off the lobby and eventually entered the gym through the rear entrance at approximately 7:25 p.m. A third officer who remained in the lobby was confronted by another surge of individuals seeking entry into the gym, and the officer was forced down the stairwell into the gym. Upon entry, the officer observed several people laying on the floor and he began administering CPR to certain individuals. The officer then ran up the stairwell to the street to obtain assistance, at which time, he observed an EMS unit at the 136th Street entrance to the building.

The first call to 911 for assistance at CCNY was received at 7:04 p.m. The caller was an unidentified male requesting an ambulance at City College because "people are dying inside of City College". Despite the request of the 911 dispatcher for the caller to remain on the line to speak to the EMS operator, the caller hung up. The 911 dispatcher attempted contact with the police detail to verify the request for an ambulance, but contact could not be made. The call was relayed to EMS and entered into the EMS Computer Dispatch (CAD) System at 7:05 p.m. (CAD # 2216). At 7:10 pm, following a review of call information, CAD #2216 was assigned a low priority based upon lack of specific information concerning the location and type of condition.

At 7:14 pm, a second call was received by 911 reporting shots fired in front of CCNY. When asked if anyone was hurt, the caller stated "yeah, people are fainting outside". The caller then requested "a lot of cops and ambulances". That call was assigned Job #9501. The 911 dispatcher contacted the police detail on the scene advising them of the shots fired call and requesting verification. At 7:16 pm the detail sergeant on the scene advised the dispatcher that the shots fired call was "unfounded" and the police dispatcher entered a 10-90X "unfounded" message into the Job #9501 call file. That portion of Job #9501 requesting an ambulance was relayed to EMS at 7:17 p.m. through the 911 system -- included within the job text was the 10-90X "unfounded" message entered by the 911 dispatcher. Believing that the "unfounded" message related to the ambulance request as well as the shots fired portion of the call, EMS canceled the call at 7:19 pm.

At 7:20 pm., the 911 dispatcher received a call from a female caller stating that numerous people were hurt, several people were not breathing and requesting five ambulances at City College. The caller was forwarded to EMS at 7:22 p.m. The EMS dispatcher advised the caller that the previous request for an ambulance was "closed" because "somebody canceled it". The caller reiterated the need for an ambulance inside the auditorium

because at least 6 or 7 people are passed out. At 7:23 p.m., the first EMS unit was dispatched to the scene.

The first EMS unit arrived on the scene at approximately 7:28 pm. and pulled up in front of the 136th Street entrance on Convent Avenue. One of the two EMS personnel in the unit asked several police officers in the area about the need for medical assistance -- none of the police officers were aware of any problem. At that point, two security guards approached the EMS personnel indicating that there was "chaos" in the gym and that several people were hurt. EMS personnel requested the police to escort them downstairs; however, the officers responded that they were directed not to enter the building. The log of radio transmissions by police on the scene verify a 7:29 p.m. radio transmission from the Detail Sergeant indicating: "Central, authority of Duty Captain, no police officers are going into CCNY. E.M.S., when they go in, will ascertain from security inside. Authority of the Duty Captain."

The EMS personnel proceeded to leave their ambulance at the 136th Street entrance and carried their equipment towards the 138th Street entrance where they were met by several police officers and security personnel who escorted them down the stairs into the gymnasium. Upon entering the gymnasium the EMS personnel attempted to work on the various victims on the floor. Both technicians stated that they were pulled and grabbed by

persons inside the gym seeking treatment for their friends and relatives.

In response to additional calls to 911 for medical assistance at CCNY and requests for additional help from the EMS unit and NYPD on the scene, additional ambulances were dispatched to the gym. A total of 22 ambulances, 10 officers and 2 specialty units were eventually dispatched to the scene -- the bulk of EMS resources arrived at 7:49 pm. Upon arrival in the gym, the conduct of the EMS personnel and the police officers appears to have been exemplary. The first patients were transported at 7:55 p.m. Six victims were reported dead at 7:56 p.m. Two additional victims were pronounced dead at area hospitals later that evening. The ninth victim remained on life support until January 1, 1992, at which time she died.

Following the arrival of EMS and NYPD into the gym, the crowd was directed to leave the gym by the rear entrance. As the individuals began to leave the building, a crowd ran back into the gym because they heard what appeared to be several shots being fired. There was no corroboration of shots actually being fired. Several minutes later, the crowd was directed to resume leaving the gym through two rear entrances. The gym was eventually emptied and the location was secured.

G. Related Information

The New York City Fire Department's Manhattan Dispatch operator received a notification from the EMS dispatcher at 7:28 p.m. advising the operator of a call of a cardiac arrest at the CCNY gym. The notification was made under NYFD/EMS First Responder protocol. However, since the call was not within the First Responder Pilot Program area, the EMS operator was advised the Fire Department would not respond. Subsequent calls were made and received by the Fire Department Dispatcher sometime after 8:00 p.m. regarding the incident occurring at CCNY; however, the Fire Department's assistance was not requested.

The Chief Medical Examiner, Dr. Charles Hirsch, stated that the cause of death for each of the victims was asphyxia due to compression of the chest. No broken bones were found in any of the deceased. According to Dr. Hirsch, if an individual's chest is compressed and breathing is prevented for a period of one to two minutes, the individual will lose consciousness, and if the compression continues for an additional period of 2 to 5 minutes thereafter, the individual's brain functioning will terminate. Although an individual's heart function may be resumed thereafter by the use of CPR, as in the case of the ninth victim of the CCNY tragedy, the individual will have already sustained irreversible brain damage.

By letter dated December 30, 1991, Martin Garbus, Esq. advised Mayor Dinkins that he represented Sean Combs (a/k/a Puff Daddy) and that Mr. Combs intended to fully cooperate with this investigation. The following morning, I telephoned Mr. Garbus and, during our conversation, he indicated that Mr. Combs had authorized him to turn over to the City the proceeds of the December 28th game, estimated at that time to be between \$22,000 - \$25,000. In response to my request for the proceeds, Mr. Garbus delivered a check made out to the City of New York, to me on December 31, 1991 in the amount of \$24,581. According to Mr. Combs and Ms. Rosenblum, these monies reflect the proceeds of the game after certain expenses were paid. At my request, Ms. Rosenblum provided an approximate accounting of the expenses paid out of the proceeds. The accounting, which was included in a letter dated January 9, 1992 from Mr. Garbus, Ms. Rosenblum's attorney, indicated that \$5,530 were paid out of the proceeds -- \$550 for flyers, \$100 for tickets, \$2,200 for radio time, \$130 for supplies, \$700 for basketball uniforms and \$1,850 paid to ESG.

The \$24,581 check was turned over to the Law Department which deposited the proceeds in an escrow account pending a determination of the lawful recipients thereof.

ANALYSIS

A review of the events leading up to the fateful tragedy at the CCNY gymnasium on December 28, 1991 leads to the inescapable conclusion that almost all of the individuals involved in the event demonstrated a lack of responsibility. The following analysis provides a description of the various areas in which a failure of responsibility occurred.

A. Failure Of Responsibility By Officials Of City College

The City University and CCNY officials interviewed during this investigation acknowledged that City University and CCNY written policies and procedures were not adhered to with regard to this event. City University and CCNY policies require ticket sales and distribution of student sponsored events to be controlled and/or supervised by the college, and security for any event on college premises is to be under the control and supervision of the college. Special security arrangements must be approved by the college president prior to the event, and frisk or searches of individuals attending events on college premises are prohibited, except by law enforcement officials. With few exceptions, the CCNY officials interviewed during this investigation displayed little if any knowledge of these

university and college policies. Moreover, to the extent that the officials were aware of these policies, few efforts were made to ensure that the ESG sponsored games conformed therewith.

In the first instance, CCNY officials abdicated their responsibility in reviewing the appropriateness of the ESG sponsored activities in light of university and college policies. While the concept of student democracy and independence of student government should be respected, such respect should not denigrate into an abdication of the college officials' responsibility. Mr. Jean Charles, who approved the event, exercised little initiative in questioning Ms. Kirnon about the nature of the celebrity games or the individuals and methods involved in organizing the games and distributing tickets to the events. Moreover, when Mr. Charles and Mr. Bobb viewed the flyers advertising a number of well known rap artists who were to participate in the December 20th game, as well as a step show as half-time entertainment in violation of college rules some time prior to that game, inadequate action was taken to investigate the event. If action had been taken at that time to question ESG representatives as to the nature of the celebrity games, it is reasonable to assume that they would have become familiar with the arrangements being made for the upcoming December 20th and December 28th games, and thereby have been in a position to either cancel the events or ensure that appropriate arrangements were in place.

Moreover, during the week of December 23, 1991, CCNY officials had several opportunities to take steps with regard to the December 28th game. Firstly, Mr. Charles was aware that, contrary to his expectations, the December 20th game attracted a crowd of approximately 2,200 - 2,500 individuals. Although Mr. Charles indicated that he relayed Cassaundra Kirnon's request for additional security for the upcoming game to Charles Delaney on December 21rd, he did not follow up on the matter in order to ensure that appropriate arrangements had been made. As Director of the Finley Center, one would assume that he would make every effort to see that the events in the gymnasium were properly coordinated. Secondly, when the true nature of the December 28th game was made known to Vice President McDonald and Mr. Bobb on the day prior to the game (i.e. December 27th), little initiative was exercised to question the ESG representatives about the arrangements for the game, or to ensure adherence to college and university policies.

One of the most glaring aspects of the lack of responsibility by CCNY officials is the manner in which the CCNY Security Office acted in this matter. During interviews conducted during this investigation, Mr. Delaney displayed a lack of knowledge as to the procedures to be followed in scheduling events at CCNY and the manner in which his office receives notification thereof. Mr. Delaney stated that he was first made aware of the December 20th game only a few hours prior to the

game, and that he only learned of the December 28th game the prior afternoon -- although Mr. Charles stated that he spoke with Mr. Delaney about the December 28th game on the prior Monday, December 23rd. In each instance Mr. Delaney took no steps to ensure that the amount of campus security for the event was adequate or that his office's efforts were coordinated with those of private security and the NYPD officers who would be on the scene. Notably, the campus security detail for the event, inadequate as it turned out to be, was increased only as a result of the efforts of Milton David, Mr. Delaney's assistant, when he, by chance, learned of the nature of the December 28th event on the prior evening.

Moreover, the CCNY security detail at the game inexplicably failed to exercise its responsibility to maintain control and coordination of the private security at the event. In addition to failing to have any detailed discussions at any time prior to or at the time of the event with either the private security personnel on the scene or the individuals sponsoring the event in order to coordinate security, it appears that the CCNY security personnel relinquished control over the doors at the bottom of the stairwell as well as the lobby area at the direction of those running the event. This abdication of responsibility was inexcusable -- particularly in view of the fact that CCNY security personnel had no prior knowledge of or relationship with the promoter or the private security force, nor

any knowledge as to the qualifications, experience or ability of the private security force to cope with a large crowd.

Given the CCNY security personnel's knowledge of the layout of the building, greater control should also have been exerted to ensure a safe entry into the gym. In this vein, a visit to the scene demonstrated that the stairwell in question has a relatively steep incline, and witnesses to the event stated that the stairwell was littered with leaflets being handed out in the lobby, thereby creating a slippery condition on the stairs. These factors, coupled with the fact that, with one exception, the doors at the bottom of the stairs were closed and could only be opened from inside the gym, should have alerted campus security to assume control over access to the stairwell and the gymnasium, particularly given the manner in which the promoter and private security were handling the event.

In short, CCNY officials took no steps or exercised minimal efforts to ascertain:

1. The true nature of the event.
2. The "celebrity" participants in the game.
3. Whether outside promoters were involved, and if

so, who.

4. What arrangements had been made for the sale and distribution of tickets.

5. How many tickets were likely to be sold.

6. Whether arrangements had been made for adequate security.

7. The qualifications and experience of outside security in exercising crowd control. (No inquiry was made regarding the nature of the security organization.)

8. Whether arrangements had been made for cooperation and coordination of the various security groups, i.e. college security, private security, and the NYPD.

9. Whether there would be a central direction of all security, with effective means of communication among all security groups.

10. The contents of the contract between ESG and the promoter.

11. Whether the promoter had fulfilled its contractual obligation to obtain insurance to protect, in addition to the promoter, ESG and CCNY.

In summary, as stated so aptly, "None so blind as those that will not see" (Jeremiah 20).

B. Failure Of Responsibility Of CUNY

The Board of Trustees of CUNY had promulgated a Manual of General Policies and the University Fiscal Handbook for the Control and Accountability of Student Activity Fees, which generally addressed the problems which resulted in the terrible tragedy of December 28, 1991. Adherence by CCNY to the aforesaid manual and handbook, in all likelihood, might have averted this dreadful disaster. It is not sufficient for the Board of Trustees or the Chancellor to promulgate policies or rules with minimal or no efforts to ensure meaningful implementation. Effective steps should have been taken to see to it that the policies and measures were implemented by each of the individual colleges comprising the university, so as to ensure effective supervision of student activities and fulfillment of responsibility by the appropriate college officials.

C. Failure Of Responsibility By ESG Representatives

The interviews of CCNY officials and ESG officers during this investigation revealed that the attitude displayed by ESG representatives toward college officials and procedures can only be characterized as cavalier at best. The students

repeatedly rebuffed any attempts by the college personnel to elicit explanations about these events and ignored requests for conformance with college policies. The ESG representatives acted independently of CCNY officials and in violation of established policies. They failed to keep the college officials informed of their activities, and failed to reveal the true nature of the event for which they sought approval.

Although a strong and independent student government organization, in an environment of academic freedom, is to be encouraged, it is also essential for students to understand that along with rights, there is a concomitant responsibility to act responsibly and to be accountable to college officials as well as to other elements of the college community. In this case, the lack of specific information provided by the ESG on the gymnasium reservation applications regarding the nature of the celebrity games, and the non-disclosure of the two contracts with outside promoters for the games clearly contributed to the confusion on the part of CCNY officials about the events and to the lack of adequate security and crowd control arrangements on December 28, 1991. An indication that the ESG representatives were aware of the need to disclose the two promoters' contracts to CCNY officials is reflected by the fact that both contracts included a signatory line for the Vice President for Student Affairs. No signature was ever obtained and Vice President McDonald stated that he never saw the contract with Sean Combs until later in the

evening on December 28th.

Moreover, by turning over total control of the gymnasium as well as the arrangements for the game to Sean Combs in return for a nominal donation to a scholarship fund, the ESG representatives abdicated their responsibility to CCNY as well as to their fellow students. The actions of the ESG placed the CCNY gymnasium in the hands of an outside promoter, without full disclosure to appropriate college officials of all pertinent facts, and, in doing so, created an uncoordinated and ultimately dangerous situation.

Furthermore, despite the fact that the promoter had contracted with the ESG to secure insurance to protect CCNY and ESG, as well as the promoter, the ESG representatives never made any effort to determine whether the promoter had fulfilled his contractual obligation; and, in fact, he did not do so.

D. Failure Of Responsibility By Sean Combs

Information gathered during this investigation established that Sean Combs is a well known promoter of rap concerts and functions and, as such, is fully aware of the need for proper preparation and coordination of such events, particularly with regard to the need for adequate security. In this instance, Mr. Combs spent little time making the actual

preparation for the game and delegated most, if not all, of the arrangements to Louis Tucker and Tara Geter -- both of whom claimed to have no prior experience with such events. Moreover, Mr. Combs made arrangements for extensive publicity of the game, including numerous radio advertisements by KISS/FM, and he was aware that over 1,500 advance tickets had been sold. These facts, coupled with Mr. Combs' experience with rap events which are generally attended by large numbers of rap music fans, should have alerted Mr. Combs to the need for strong security and crowd control. Arrangements should also have been made to provide that, as the number of ticket holders and ticket purchasers began reaching gym capacity, announcements would be made to the crowd that only ticket-holders would be permitted entry to the gym. Although Mr. Combs was aware of the fact that some campus security would be on the scene, and he made arrangements for additional private security, preparations should have been made well in advance of the event to ensure that the security personnel were known to each other and their roles during the event were clearly defined. Notably, Mr. Richard's only contact with the organizers of the event was with Louis Tucker -- a young man who apparently had little understanding of the importance of coordination of security personnel.

Additionally, Mr. Combs' statement on the flyer for the December 28th game that donations would be made to the "AIDS Education Outreach Program" is also subject to question. Ms.

Geter stated that when she raised the issue of monetary donations with Norman Williams from the Health Department's AIDS Education and Community Outreach Program, Mr. Williams advised her that his agency could not accept such donations. Both Mr. Williams and Mr. Serries from that office stated that Ms. Geter never raised the issue of monetary donations with them. In either case, Mr. Combs' representation that a portion of the proceeds would be donated to that office was in error. Although Mr. Combs may have intended to provide a portion to an AIDS education organization, it was inappropriate to have the flyers for the game printed before specific and concrete arrangements were made in this regard.

E. Failure Of Responsibility By Many Of Those Individuals
Attending The December 28, 1991 Event

Witnesses' accounts of the events immediately prior to and during the tragedy on the gymnasium stairwell, as well as an amateur video taken of the street and lobby of the building, reflect that, while many of the persons attending the event acted admirably in efforts to assist the stricken individuals, there was a lack of responsibility and self-control by a great many individuals seeking to gain entry to the game. Despite repeated attempts to assert order and control over the crowd outside the gymnasium by both police and security personnel, the crowd in its anxiety to gain admission to the game, continued to surge towards

the entrances with a total disregard for their fellow attendees and school property. The various witnesses interviewed during this investigation recounted instances of persons being crushed and thrown about by the crowd surging into the lobby entrances. Despite pleas by persons in the lobby and stairwell indicating they were unable to breath and were injured, the crowd continued to push forward and force themselves into an already overcrowded stairwell, eventually causing the deaths of nine young individuals and injuries to numerous others.

This irresponsible and inexcusable behavior demonstrated a lack of self respect and a total disregard for one's fellow men and women. While the excitement of the crowd, and the desire to see an event of this nature is understandable, one's paramount concern must be the concern for the well-being and safety of everyone at the event. The lack of consideration for their fellow human beings by those seeking to attend this event undoubtedly was a significant cause of the tragedy.

F. Failure Of Responsibility Of City Agencies

1. New York City Police Department

Although hindsight provides a greater opportunity to review and analyze a scene of a rapidly unfolding tragedy, the facts adduced during this investigation indicates that the

exercise of judgement by the police command on the scene was highly questionable.

In the first instance, it appears that the Detail Sergeant who arrived on the scene with 10 officers at approximately 5:00 p.m. waited too long before seeking additional assistance. Eyewitness reports estimated that more than 1,000 people were on the scene at this time and more persons continued to arrive at a steady pace. Moreover, the video tape taken of the scene outside the lobby at approximately 5:20 p.m., reflects that the crowd was unruly. If additional officers had been called in prior to 6:04 p.m., when the request for the Manhattan North Task Force was made, it is possible that the crowd may have been brought under control earlier in the evening.

Moreover, the Duty Captain's actions later on in the evening indicate questionable judgement in failing to move into the lobby and assuming control at that area earlier. Prior to arriving on the CCNY campus at 6:30 p.m., the Duty Captain had monitored the radio transmissions from the Detail Sergeant indicating difficulty in controlling a crowd of about 2,000 people outside the gym. Upon arriving at the scene with additional officers, the Duty Captain properly barricaded the northern entrance at the 138th Street lobby and began creating a frozen zone in front of the lobby. Although the crowd outside the building appeared to be under control, various witnesses

indicated that the inside lobby area was filled with people and one officer stated that she advised the Duty Captain that a commotion was occurring on the stairwell. The Captain declined to send any officers into the lobby at that time.

Given the problems which were occurring in controlling the crowd outside the building and the crowded nature of the interior lobby, which was visible from the street, the Duty Captain could have called for additional reinforcements and clearly should have taken steps to move into the lobby earlier in the evening in an attempt to restore order inside.

The Police Department adheres to a previously established policy that police officers would have responsibility for the public streets, that college security forces would be responsible for school grounds and buildings, and that police officials would enter the school grounds and buildings only upon request of appropriate school officials. Nevertheless, when there is strong evidence of a severely overcrowded situation, dangerous to life and limb, effective police action should be taken immediately to deal with the situation. In this case, the observations from the exterior of the building reflected that the security inside the lobby had lost control of the crowd. Although the Duty Captain eventually sent officers into the lobby, it was not until after the initial surge of people had

already crowded down the stairs towards the gym and the fatal injuries occurred.

The Duty Captain's directive, as evidenced by police radio transmission logs, precluding officers from entering into the building with EMS personnel is also highly questionable, particularly given the obvious chaotic nature of the scene. Fortunately, officers who were aware of the condition in the area took it upon themselves to go into the gym with EMS.

I further note the transcript of police radio transmissions during the event reflects a transmission from an unidentified unit on the scene at 6:23 p.m. stating "They're not people, they're animals." An internal police investigation to determine the origin of this transmission is ongoing. This transmission by an officer reflects an attitude which clearly is to be condemned.

2. 911 Police/EMS Communications

The cancellation of the second call for an ambulance at 7:16 p.m. due to the confusion in the entry of the "90-X" "unfounded" message by the Police Dispatcher relating to the "shots fired" portion of the call, points up the need for greater clarity in communication between the Police and EMS dispatchers in relaying calls and call information via the 911 computer link.

if the "90-X" message had been specifically linked to the "shots fired" portion of the call, it appears that the EMS ambulance unit would have been dispatched 5 minutes earlier.

Additionally, one might question EMS' failure to send a unit to City College once the 7:04 p.m. anonymous call was received, particularly given the grave nature of the call (i.e. "people are dying"). Although specific information regarding the location and type of emergency was not available at this time, a unit should have been dispatched to the area. It is essential that EMS dispatchers appreciate that calls for medical assistance, in many instances, are made under stressful, life threatening circumstances, when callers are highly emotional and specific information cannot be received, or such information is sometimes unclear. Thus, when possible, units should be dispatched while efforts are being made to obtain more precise information.

RECOMMENDATIONS

In the investigation of the tragic events of December 28, 1991 and the preparation of this report, one mandate, above all, shines through clearly and sharply - it is absolutely imperative that everything possible must be done to ensure that a similar tragedy will never occur again, and that the loss of these nine young lives, will not have been in vain.

Toward that end, I make the following recommendations:

A. CUNY

1. The Board of Trustees should direct a review of its policies with regard to student campus activities and develop comprehensive policy and procedures providing a clear program for the assumption of appropriate responsibilities by college officials.

2. The policy and procedures are to be applicable to each and every college on a university-wide basis.

3. The Chancellor should take effective steps to ensure that each college fully implements the policies and procedures established by the Board of Trustees.

4. The Chancellor should periodically review the implementation of these policies and procedures.

5. The Chancellor should take steps to ensure that City College and other colleges of the CUNY system advise student groups and organizations of CUNY policies, particularly with regard to student activities.

B. CCNY

1. The President of CCNY and the president of each college in the CUNY system shall fully implement the policies and procedures established by the CUNY Board of Trustees.

2. There should be a uniform application utilized by all city colleges to be submitted for all student sponsored events and activities, which should require the presentation of all pertinent facts so as to permit an informed and intelligent decision with regard to approving the event or activity. It should be required that the application be approved by a high-ranking official designated by the college president. Moreover, applications should be required to be submitted sufficiently in advance of the event or activity to permit a meaningful review.

3. Particular care by each city college should be taken to exercise control over the number of tickets to be sold or distributed for any college event and the manner of distribution, with particular concern for the limited capacity of the college facility.

4. Each college must assume effective control of security for events to be held in a college facility. If outside security is required to supplement college security, appropriate inquiries should be made as to the experience and qualifications of the security agency and its capacity to fulfill its responsibilities under the direction of the college director of security or his/her appropriate representative. There should be close coordination with the New York City Police Department through the precinct where the facility is located. Every effort should be made for effective communication with all security personnel on the scene and the NYPD, including radio contact. A meeting should be held prior to the event among campus security, the NYPD and private security to arrange for effective cooperation and coordination.

5. City colleges should take steps to apprise the student body of all university and college policies and procedures. The college officials should strive to develop a harmonious and cooperative relationship with student groups

within the framework of student government in order to ensure that these policies and procedures are understood and adhered to, with full assumption of their respective responsibilities.

6. CCNY should expeditiously conduct a thorough review of the structure of the Nat Holman Gymnasium and take steps to provide for safe and fully accessible entrances and exits to the gymnasium. A personal visit to the scene established that all of the doors to the gym open outward. A viewing of the video tape further reflected that the inability to open the gymnasium doors because of their current configuration contributed to the compression which resulted in the deaths of the persons in the stairwell. It is ironic that doors which were constructed to provide a safe passage for persons escaping danger, acted as a trap for persons surging into the stairwell seeking entry to the gymnasium to watch a basketball game. A similar review should be conducted by all colleges of facilities which have a large capacity.

C. Representatives Of Student Organizations

Representatives of student organizations should accept the responsibility to work harmoniously and cooperatively to ensure a safe facility for student functions. Students must appreciate that these policies and procedures are not intended to restrict student independence or democracy but rather are

intended to protect the safety of students and other individuals utilizing college facilities. Students should accept as an underlying concept, that along with the status of students, and within the framework of student democracy and student government, there is a necessity to accept the principles of fulfillment of responsibility and accountability for their actions.

D. City Agencies

1. Police Department

(a) The New York City Police Department should take measures to assure that whenever a large crowd is anticipated at a public function, a high ranking officer of the Department is present in order to provide experienced and effective leadership in exercising control over the circumstance.

(b) The Police Department should review its policies and clarify the circumstances in which the police will enter premises where the potential exists for conditions dangerous to life or limb, or danger to property.

2. Emergency Dispatch Operations

(a) EMS, 911 and Fire Department emergency dispatch operators should be given intensive and continual training so as to sensitize them to the need to act promptly on the basis of

information which they can quickly elicit from callers seeking emergency assistance. Speed of response is, in many instances, imperative to save a life, or, as here, many lives. Over a period of time it has become apparent that emergency dispatch operators are not sufficiently attuned to the fact that emergency calls are made under dire and life threatening circumstances and that callers are often excited and confused -- thereby unable to provide information in a logical and orderly fashion. Intensive and repeated training must be provided to address this situation. I understand that the new E911 system, soon to be implemented, will greatly enhance the emergency dispatchers' ability to obtain information regarding the location of the caller and thus permit the dispatcher to make efforts to secure precise information as to the nature of the emergency in the shortest possible time period.

(b) A protocol should also be established for 911, EMS and NYFD emergency dispatchers in order to ensure that greater detail and clarity is included in messages among the departments with regard to emergency calls within the objective to eliminate or minimize confusion to the fullest extent possible.

3. Fire and Buildings Departments

(a) A task force comprised of representatives of

information which they can quickly elicit from callers seeking emergency assistance. Speed of response is, in many instances, imperative to save a life, or, as here, many lives. Over a period of time it has become apparent that emergency dispatch operators are not sufficiently attuned to the fact that emergency calls are made under dire and life threatening circumstances and that callers are often excited and confused -- thereby unable to provide information in a logical and orderly fashion. Intensive and repeated training must be provided to address this situation. I understand that the new E911 system, soon to be implemented, will greatly enhance the emergency dispatchers' ability to obtain information regarding the location of the caller and thus permit the dispatcher to make efforts to secure precise information as to the nature of the emergency in the shortest possible time period.

(b) A protocol should also be established for 911, EMS and NYFD emergency dispatchers in order to ensure that greater detail and clarity is included in messages among the departments with regard to emergency calls within the objective to eliminate or minimize confusion to the fullest extent possible.

3. Fire and Buildings Departments

(a) A task force comprised of representatives of

the Department of Buildings and the New York City Fire Department should review and analyze the applicable laws, codes and regulations for large places of assembly insofar as they relate to safe entrances to such buildings.

E. To Our Fellow Citizens

We call upon our fellow citizens to demonstrate a sense of responsibility towards one another, particularly in large, crowded, potentially dangerous situations. This recent phenomenon of individuals "bum-rushing" sporting and music events resulting in the loss of life portrays a lack of care which has become a reality of modern day life and which must be stopped before any more lives are lost. Civility, courtesy, decency to one another and concern for the safety of our fellow citizens will protect each of us and inure to the benefit of all New Yorkers and visitors.

Recommended Distribution:

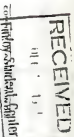
Chairman of the Board of Trustees of CUNY
Chancellor of CUNY
President of each college in CUNY
Speaker of the City Council
District Attorney - New York County
Attorney General of the State of New York
Comptroller of the City of New York
Corporation Counsel
Police Commissioner
Fire Commissioner

s Commissioner
 , HHC
 e Director of EMS
 oner of Investigation
 oner of Cultural Affairs
 : of each student body of each CUNY college

THE JOHN H. FINLEY STUDENT CENTER AT CITY COLLEGE

APPLICATION
APPROVED BY *que*

RESERVATION APPLICATION



DATE AND DATE OF EVENT

Friday December 30, 1951

RESERVED HOURS (HRS. SE 1-24)

8:00 - 12:00 PM

LOCATION

4000 (Main Hall)

NAME OF ORGANIZATION

Young Student Govt

ACTUAL PROGRAM HOURS

7:00 - 11:00

ATTENDANCE

N/A

TYPE OF EVENT

TITLE OR PROGRAM DESCRIPTION

SPECIES OF REFORMER

ADMISSION CHARGE

APPLICANT

ADDRESS

PHONE

ASSOCIATION OF PERSONS

SPECIAL ARRANGEMENTS

650-1200

EQUIPMENT

CHAIRS

REMARKS

PHOTOGRAPH #

CHAIRS

REMARKS

P.A. MICROPHONE #

TABLES

REMARKS

BLACKBOARD

LECTURN

REMARKS

PORTABLE STAGE

CASSETTE

REMARKS

VIDEO

ALCOHOL REV. WAIVER

REMARKS

EXTENSION CORD #

ALCOHOL REV. WAIVER

REMARKS

TAPE RECORDER #

ALCOHOL REV. WAIVER

REMARKS

REMARKS TO OTHER DEPARTMENTS

1 HAVE READ THE CONDITIONS PRINTED ON THE BACK OF THIS FORM

REMARKS

AUDIO VISUAL

1 HAVE READ THE CONDITIONS PRINTED ON THE BACK OF THIS FORM

REMARKS

BUILDINGS & GROUNDS

SIGNATURE X

REMARKS

SHACK BAR

OFFICER IN CHARGE

REMARKS

SOUND BOOTH AUTH

REMARKS

REMARKS

REMARKS

REMARKS

REMARKS

REMARKS

REMARKS

THE JOHN H. FINLEY STUDENT CENTER AT CITY COLLEGE

DEC 13 1991

RECEIVED

Finley Student Center

APPLICATION

APPROVED BY JAC

RESERVATION APPLICATION

DAY AND DATE OF EVENT

RECEIVED HOURS INCL. SET-UP

LOCATION

SATURDAY December 28, 1991

4:00 - 12:00 AM

444M

ATTENDANCE

N/A

NAME OF ORGANIZATION

FINLEY STUDENT GOVT

7:00 - 11:00 PM

SPEAKER OF PERFORMANCE

ADMISSION CHARGE

TYPE OF EVENT

TITLE OR PROGRAM DESCRIPTION

Eligibility BASKETBALL

APPLICANT

ADDRESS

PHONE

Cassundra A. Kinnon

NAC 1/112

650-7206

EQUIPMENT

SPECIAL ARRANGEMENTS

REMARKS

PHONOGRAPH *

CHAIRS

Beauty 4305

P.A. MICROPHONE *

TABLES

12

Mallets 200

BLACKBOARD

3 a.s. \$485.75

LECTURN

PORTABLE STAGE

VIDEO

CASSETTE

EXTENSION CORD *

ALCOHOL BEV WAIVER

TAPE RECORDER *

ELEVATORS WORKING

REQUESTS TO OTHER DEPARTMENTS

CHARGES

AUDIO VISUAL

I HAVE READ THE CONDITIONS PRINTED ON THE BACK OF THIS FORM AND ASSUME RESPONSIBILITY FOR COMPLYING WITH THEM.

BUILDINGS & GROUNDS

SIGNATURE X

Cassundra A. Kinnon

SNACK BAR

OFFICER IN CHARGE

SECURITY

INSURANCE/ADM. DEP.

993.75

SOUND BOOTH AUTH.

BUSINESS OFFICE APPROVAL

CONTRACT

Agreement made this 16th day of December, 1991,
between Evening Student Government of the Finley Student
Center of The City College of New York, and Tuffy
(Leader or Agent)

on behalf of Video Music Box Federal SS# 098-52-1390
(Name of Group)

to perform Celebrity Basketball Game on December 20th, 1991
(Type of Activity) (Date)

at Nat Hollman Gymnasium, CCNY between the hours of 4PM and 12AM.
(Location)

The performance will include 50 persons, and will involve n/a
hours of rehearsal in N/A. It is agreed that as full
compensation for the services noted above, the vender shall pay
the Evening Student Government Eighteen hundred dollars (\$1,800).

a) Deposit of \$ \$900.00 on 12/16/91

b) Balance of \$900.00 to be paid upon

performance on 12/20/91 at 7:00PM
(Date) (Time)

Neither party will be bound by any statements or representations
that are inconsistent with the terms of this Agreement or which
include a promise not herewith contained. Neither party may assign
its rights nor delegate its performance under this Agreement
without first obtaining the other party's written consent.

Stipulations, if any:

ESG will arrange for a sound system through African Roots in the
amount of \$500.00, which will be paid in full by Tuffy of Video
Music Box. ESG will provide the facility and 7 tables. Additional
security will be provided by Tuffy of Video Music Box. In the
event that the show is cancelled the deposit will not be
refundable.

AGREED AND ACCEPTED:

President

Signature

Vice-President

Signature

Name of Group

Agent

Signature

Date

APPROVAL: V.P., STUDENT AFFAIRS

Signature

*C*O*N*T*R*A*C*T*

Agreement made this _____ day of _____, 199____,
between _____ of the Finley Student
Center of The City College of New York, and _____
on behalf of _____ (Leader or Agent)
_____ Federal SS# _____
(Name of Group)
to perform _____ on _____
(Type of Activity) (Date)
at _____ between the hours of _____ and _____
(Location)
for performance will include _____ persons, and will involve _____ hours
of rehearsal in _____. It is agreed that as full
(Location)
compensation for the services noted above, the vender shall be paid
\$ _____.

- a) Deposit of \$ _____ on _____
b) Balance of \$ _____ to be paid upon
performance on _____ at _____
(Date) (Time)

Neither party will be bound by any statements or representations that
are inconsistent with the terms of this agreement or which include a
promise not herewith contained. Neither party may assign its rights
nor delegate its performance under this agreement without first
obtaining the other party's written consent.

Stipulations, if any:

AGREED AND ACCEPTED:

President

Signature

Treasurer

Signature

Agent

Signature

Date

EXHIBIT D

RALPH & TED WILL COACH TEAMS MADE UP OF

DANCE
 QUEEN LADYFAH
 NO CAPRI
 HYPERMAGNETIC INC.
 ENOUGH
 ROD STRICKLAND
 MABLE BROTHERS
 CHARLES OAKLEY
 KETLOCK & C. SMOOTH
 HONEY & HAMPTON
 JORDI
 FILE
 MIGHTY BY NATURE
 BLACK SHEEP
 MALCOLM MARAL WARNER
 DOWNTOWN
 EYE
 JULIE & NEMY
 WHISTLE
 PRISTINE K
 EY LA SOUL
 SPECIAL ED
 HANA DAME
 AGLAN
 STAYERS OF THE NEW SCHOOL
 KENNY ANDERSON
 MARON HALL
 CLARK KINI
 THE SSF & SYNCHUS
 MARK WILKLAND
 MURRAY
 HEAVY D'S THE BOYZ
 PETER ROBINSON
 S. PERFECT
 CHRISTOPHER WILLIAMS
 KING E FRESH
 SHAND RUBIANS
 JON SKI LOVE
 NICH NICE
 ALLEN PAYNE
 BEFF 4E00
 BLODY RED SPECIAL K
 MALK SEALY
 RED ALERT
 B.D.P.
 JACE & SMOOTH
 JIMMO
 ED LOVER & D. ONE
 TAIHER MC
 S. SHAWN
 MARKE DEE
 MASTER ACE & STEADY SPACE
 DRUG E DOUG
 BOY MARKE & COOL UP
 SCORP & SCRAP LOVERS
 A TRIBE CALLED QUEST
 KIM N PLAY
 MC LYTH
 BURN DMC & J.M.J.
 KING DADDY KANI

ALL FRATERNITIES & SONS INVITED
 KAPPA ALPHA PSI OMEGA PSI PHI ALPHA PHI ALPHA
 THETA KAPPA ALPHA DELTA SIGMA THETA SIGMA PHI RHO
 ZETA PHI BETA PHI BETA SIGMA SIGMA GAMMA RHO
 VIDEO MUSIC BOX PRODUCTION
 MUSICIANS DESIGNED BY DR. JAMES FORTY JULIA & JIM BRANK

RALPH & TED WILL COACH TEAMS MADE UP OF
 DANCE
 QUEEN LADYFAH
 NO CAPRI
 HYPERMAGNETIC INC.
 ENOUGH
 ROD STRICKLAND
 MABLE BROTHERS
 CHARLES OAKLEY
 KETLOCK & C. SMOOTH
 HONEY & HAMPTON
 JORDI
 FILE
 MIGHTY BY NATURE
 BLACK SHEEP
 MALCOLM MARAL WARNER
 DOWNTOWN
 EYE
 JULIE & NEMY
 WHISTLE
 PRISTINE K
 EY LA SOUL
 SPECIAL ED
 HANA DAME
 AGLAN
 STAYERS OF THE NEW SCHOOL
 KENNY ANDERSON
 MARON HALL
 CLARK KINI
 THE SSF & SYNCHUS
 MARK WILKLAND
 MURRAY
 HEAVY D'S THE BOYZ
 PETER ROBINSON
 S. PERFECT
 CHRISTOPHER WILLIAMS
 KING E FRESH
 SHAND RUBIANS
 JON SKI LOVE
 NICH NICE
 ALLEN PAYNE
 BEFF 4E00
 BLODY RED SPECIAL K
 MALK SEALY
 RED ALERT
 B.D.P.
 JACE & SMOOTH
 JIMMO
 ED LOVER & D. ONE
 TAIHER MC
 S. SHAWN
 MARKE DEE
 MASTER ACE & STEADY SPACE
 DRUG E DOUG
 BOY MARKE & COOL UP
 SCORP & SCRAP LOVERS
 A TRIBE CALLED QUEST
 KIM N PLAY
 MC LYTH
 BURN DMC & J.M.J.
 KING DADDY KANI

OUR FIRST ANNUAL CELEBRITY HOLIDAY BASKETBALL CLASS

FRID. DEC. 20, 1990



CITY COLLEGE

LIVE TAPING BY THE
 VIDEO SHOW IN THE
 GYMNASIUM
 GUEST HOSTED BY

LEADERS OF THE NEW SCHOOL
 PLUS STEP SHOW
 ADVANCE TO 1990 - NO. 101, 1990

EXHIBIT E

CONTRACT

Agreement made this 19th day of December, 1991 between The Evening Student Government of the Finley Student Center of the City College of New York and TARAGTER on behalf of Stan Combs hereinafter known as the Contractor, Federal SS# 250433760, to co-sponsor a Celebrity Basketball Game on Saturday, December 28, 1991 at the Nat Holman Gym in CCNY between the hours of 4:00 PM and 12:00 PM. The basketball game will include a minimum of 20 celebrities from the sports/music/entertainment fields, and will involve 2 hours of videotaping NAT HOLMAN GYM.

It is agreed that as full compensation for the services noted above, the Contractor shall pay the Evening Student Government \$ 1850.

- a. Deposit of \$ 850.00 is payable 12/14/91
b. Balance of \$ 1000.00 is payable 12/21/91

Neither party will be bound by any statements or representations of the other party except in terms of this agreement on which include a promise not herewith contained. Neither party may assign its rights nor delegate its performance under this agreement without first obtaining the other party's written consent. Stipulations, if any:

The Evening Student Government will provide the facility, additional security with metal detectors, chairs and tables. Insurance for the event will be provided by the Contractor according to CCNY regulations as well as all celebrities, promotional materials and the needs of the artists involved. In the event that the game is canceled, the deposit will not be refunded. Also, the Contractor shall clearly have the responsibility to return collected funds

from prepaid tickets to spectators.

The Contractor shall carry paid up insurance to protect the Contractor, the Evening Student Government and City College of New York (CCNY) against any and all claims, loss or damage, whether in contract or tort, including claims for injuries to, or death of persons, or damage to property, which are attributable to the negligence or any other acts of the Contractor, its employees, or otherwise.

The Contractor assumes the risk of a liability to CCNY for any loss or damage to CCNY property, including premises and equipment leased by CCNY, used in the performance of this contract.

The Contractor agrees to indemnify the Evening Student Government of CCNY and hold it harmless from any and all liability or claim for damages due to any such loss or damage to any such property or equipment.

Accepted and approved:

ALEXANDER A. KIRKMAN

Alexander A. Kirkman

Secretary

Signature

Signature

Vice President or Treasurer

Signature

Signature

TARA GATEI

Name of Contractor

Tara Gatei

Contractor Signature

Contractor's Agent

12/19/91

Date

Approval Vice President Student Affairs

Signature

EXHIBIT F

DEC 20 '91 02:13PM



457 CANAL STREET
NEW YORK, N.Y. 10013
(212) 941-6500

ACU#5657
INV#26458

12/20/91

TERMS-C.O.D.

PIR Y DADDY

1000 COLOR FLYERS
Artwork Provided
2M TICKETS

\$550

\$100

\$650

PROTECTED & CONFIDENTIAL

EXHIBIT G

THE
1ST ANNUAL
HEAVY D
&
PUFF DADDY
CELEBRITY
CHARITY
BASKETBALL
GAME



THE HEAVYSTERS
THE PUFF DADDY ALL-STAR

SATURDAY
DECEMBER 28TH 1991

AT
CCNY GYM
HEAVY D'S TEAM

MIKE BIVINS (BBD)
BOYZ II MEN
RED HEAD KINGPIN
RLN DMC
PHIFE DOG (TRIBE CALLED QUEST)
EPMD
AFROS

D.O. (HEAVY D & THE BOYZ)
JODD I (MTV)
BIG DADDY KANE

PUFF DADDY'S TEAM

JODECI
FATHER MC
BRAND ALBIAN
ED LOVER (YO! MTV)
JEFF REDD
G-WIZ (HEAVY D & THE BOYZ)
GUY
BLBBA (TODAY)
SMILEY (SAME GANG)
NICE-N-SMOOTH

HUNKMASTER FLEX ON THE 1 & 2'S

SATURDAY, DECEMBER 28TH
CCNY GYM-138TH & CONVENT AVENUE

DOORS OPEN 5PM-GAME TIME 6PM
\$12 IN ADVANCE/MORE AT THE DOOR

TICKETS AVAILABLE FROM
APOLLO THEATER BOX OFFICE

243 W 125TH ST
BOSS EMPORIUM
215 W 125TH ST

FOR FURTHER INFO CALL
(212) 841-8124

PORTION OF PROCEEDS DONATED TO
AIDS EDUCATION OUTREACH PROGRAM



INDIVIDUALS INTERVIEWED

CUNY AND CCNY OFFICIALS

Ann Reynolds, CUNY Chancellor
Bernard Harleston, CCNY President
Robert E. Diaz, CUNY Central Office
Larry Mucciolo, CUNY Central Office
Jose. A. Elique, CUNY Chief of Security
George McDonald, CCNY Vice President for Student Affairs
Jean Charles, CCNY Director of Finley Center
Paul Bobb, CCNY Director of Athletics
John Araozos, CCNY Assistant Director of Athletics
Charles Delaney, CCNY Director of Security
Timothy Brown, CCNY Assistant of Director Security
Milton David, CCNY Assistant Director of Security
Silas Bartley, CCNY Assistant Director of Security
Roalanda Simmons, CCNY Security Dispatcher
Natalie Lynch, CCNY Security Dispatcher
Ethan Golegar, Professor, Medgar Evers College

ESG REPRESENTATIVES

Cassandra Kirnon, ESG President (w/counsel)
Jose Frazier, ESG Treasurer (w/counsel)
Lula Ladson, ESG Vice President

PROMOTER AND PARTICIPANTS IN THE EVENT

Sean Combs (a/k/a Puff Daddy), Event Promoter (w/counsel)
Dwight Meyers (a/k/a Heavy D) (w/counsel)
Douglas Davis (a/k/a Doug E. Fresh)
Jessica Rosenblum, (w/counsel)
Marianna Regan (w/counsel)
Lewis Tucker (w/counsel)
Tara Geter (w/counsel)

PINKERTON SECURITY

Edward Hayes, Pinkerton Account Supervisor
Jose Negron, Pinkerton security guard
Oswaldo Cruz, Pinkerton security guard
Anthony Hicks, Pinkerton security guard
Jose Vargas, Pinkerton security guard

X MEN SECURITY, INC.

Anthony Richards, President (w/counsel)
Gary Wilson, X-Men security guard (w/counsel)

Russell White, X-Men security guard (w/counsel)
Walter Marshall, Jr., X - Men security guard (w/counsel)
Kevin McNally, X-Men security guard (w/counsel)
Wayne Dees, X-Men security guard (w/counsel)
Boyce McNally, X-Men security guard (w/counsel)
Shirley Denton, X-Men security guard (w/counsel)
Nina Wheeler, X-Men security guard (w/counsel)
Osei Jones, X-Men security guard (w/counsel)
Irapaul Turner, X-Men security guard (w/counsel)
Abdul M. Muhammed, X-Men security guard (w/counsel)
Glenn Gibson, X-Men security guard (w/counsel)
Marjorie Scott, X-Men security guard (w/counsel)

NEW YORK CITY POLICE DEPARTMENT

Lee P. Brown, Police Commissioner
Raymond W. Kelly, First Deputy Commissioner
David W. Scott, Chief of Department
Mario Selvaggi, Chief of Patrol
Joseph Borelli, Chief of Detectives
Michael J. Philbin, Assistant Chief, Patrol Bureau Manhattan North,

Captain Daniel J. Carlin, 34th Precinct
Sergeant Randall, 26th Precinct (w/counsel)
Robert Martin, NYPD
Thomas J. Flanagan, NYPD
P.O. Felicia Duke, 26 Precinct
P.O. Patricia Rodriguez, 32 Precinct (w/counsel)
P.O. Sean Harris, 32nd Precinct (w/counsel)
P.O. Ralph Sherlock, 32nd Precinct (w/counsel)
P.O. Gene Mullahy, 32nd Precinct (w/counsel)

EMERGENCY MEDICAL SERVICES

David L. Diggs, EMS Executive Director
MacNeil Cross, EMS
John A. Lazzar, EMS
Steven Gilbert, EMS
Rocco Cassetta, EMS
George Hintenmeister, EMS
Richie Fox, EMS
Mark Stone, EMS

FIRE DEPARTMENT

Carlos M. Rivera, Fire Commissioner
Marlene Gold, Deputy Commissioner
Tom Kelly, Deputy Commissioner
William M. Feehan, Chief of Department
David Clinton, Counsel
Steven Gregory, Assistant Commissioner
John J. Hodgins, FDNY

Anthony Fusco, FDNY
Joseph Dirks, Executive Assistant

MEDICAL EXAMINER'S OFFICE

Dr. Charles Hirsch, Chief Medical Examiner
Stephen Cleary, OCME

NEW YORK CITY HEALTH DEPARTMENT

Margaret Hamburg, M.D., Commissioner
Norman Williams, DOH AIDS Education & Community Outreach Division
Doris Kaufman, DOH AIDS Education & Community Outreach Division
Ravenia Hayes-Cozier, DOH AIDS Education & Community Outreach
Division
Peter Serries - DOH AIDS Education & Community Outreach Division

DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION AND ALCOHOLISM SERVICES

Billy E. Jones, DMH Commissioner
Altha J. Stewart, DMH

DEPARTMENT OF BUILDINGS

Rudy Rinaldi, Commissioner, Department of Buildings
David Wong, DOB

OTHERS INTERVIEWED

Nivea Brown, eyewitness
Talsha Scott, eyewitness
Benjamin Andrews, eyewitness
Rodney Holland, eyewitness
Tamara Williams, eyewitness
Shaniqua Moore, eyewitness
Lashaun Leonard, eyewitness
Toniqua Leonard, eyewitness
Joy Dickerson, individual with experience in Hip-Hop events
Sharmain Smith, eyewitness and maker of exterior video
Dewitt Gilmore, promoter of Hip-Hop events
Michelle Brown, Boss Emporium employee
Albert Dandridge, former CCNY Director of Security
George Demarest, General Manager Washington D.C. Convention
Center

Langdon Johnson, Sales Director, Washington DC Convention Center

Charles Warfield, KISS/FM President (w/counsel)

Jim Garfield, private security expert

Mr. Jacobs, New York State Dormitory Authority

SUBMISSIONS

CUNY University Fiscal Handbook for the Control and Accountability of Student Activity Fees.

CUNY Board of Trustees Bylaws and Manual of General Policy.

Various Internal Memoranda from CCNY officials

Reservation Application for John H. Finley Center for Celebrity Basketball Game to be held on 12/20/91.

Contract between The Evening Student Government of the Finley Center of the City College of New York, and Tuffy on behalf of Video Music Box dated December 16, 1991.

Flyer promoting 12/20/91 celebrity game.

Reservation Application for John H. Finley Center for Celebrity Basketball Game to be held on 12/28/91

Contract between The Evening Student Government of the City college of New York and Tara Geter, on behalf of Sean Combs, dated 12/19/91.

Flyer promoting 12/28/91 celebrity game

Chronology of Events with accompanying letter written by Harry Cohen, Esq., Staff Counsel, Pinkerton Security and Investigation Services, dated 1/7/92.

Letter dated 12/30/91, to Mayor Dinkins from Martin Garbus, Esq., re: his representation of Sean Combs, and Combs' willingness to cooperate with the investigation.

Letter dated 12/31/91 to Deputy Mayor Mollen from Martin Garbus, Esq., re: proceeds from event.

Letter dated 1/9/92 to Deputy Mayor Mollen from Martin Garbus, Esq., re: accounting of expenses.

Department of Cultural Affairs telephone logs for Cassaundra Kirnon

NYC Department of Personnel records for Cassaundra Kirnon

NYPD Post Incident Report dated January 10, 1992

EMS Post Incident Report dated December 31, 1991

Letter from David L. Diggs, Executive Director EMS, to Deputy Mayor Mollen dated 12/31/91

NYPD Audio tape of 911 calls with transcript.

NYPD Transcript of Police Radio Transmissions.

EMS Dispatcher Audio tapes with computer printout.

FDNY Dispatcher Audio tapes.

CCNY Security Dispatch log of radio calls.

NYPD Audio tape of Anthony Dinkles interview

Audio Tapes of KISS-FM Commercials for 12/28/91 game

Amateur VHS video tape of events inside the Nat Holman Gym, evening of 12/28/91.

Amateur VHS video tape of events outside the Finley Center, evening of 12/28/91

Contract excerpts from 11/1/91 contract between Washington Convention Center and Urban Concepts for "Concert/Dance Party" to take place on 11/2/91; promotional flyer for same.

CCNY Form Contract

For immediate release

City University

THE CITY
UNIVERSITY
OF NEW YORK

OFFICE OF UNIVERSITY RELATIONS
535 EAST 80TH STREET
NEW YORK, N.Y. 10021
(212) 794-5317

Contact:

Jay Herzhenson
(212) 794-5317 (Office)
(718) 899-2212 (Home)
Rita Rodin
(212) 794-5685 (Office)
(212) 595-1926 (Home)

JOINT STATEMENT BY CHANCELLOR W. ANN REYNOLDS THE CITY UNIVERSITY OF NEW YORK AND PRESIDENT BERNARD W. HARLESTON OF THE CITY COLLEGE OF NEW YORK JANUARY 15, 1992

We are in the process of reviewing the task force report prepared by Deputy Mayor of Public Safety Milton Mollen. Beginning on Sunday, December 29, 1992, Mr. José Elique, University Security Director, initiated a review of the events subsequent to the tragedy of December 28 at the City College of New York (see enclosed report).

Many of the recommendations of Deputy Mayor Mollen's report have already been implemented by City College. We will vigorously work in the days ahead to implement and augment our recommendations further, as appropriate.

A REPORT OF EVENTS AT THE CITY COLLEGE
ON DECEMBER 28, 1991

Jose A. Elique
University Director of Security

January 15, 1992

I. SYNOPSIS OF EVENTS

On Saturday evening, December 28, 1991, while watching television, I learned that the New York City Police Department was reporting a major incident at The City College gymnasium and that fatalities had occurred. I immediately notified the Deputy Chancellor that I was en route to the scene. No one from The City College had notified myself or any senior official of the University.

I arrived at The City College at approximately 9:30 p.m. and conferred with college officials, including President Bernard Harleston and Charles Delaney, the College Director of Security, in an attempt to piece together what had occurred. By the time I arrived, the majority of the crowd had dispersed; however, there was still a heavy media, police, fire and EMS presence. The scene of the fatalities was strewn with paper and debris, and six dead bodies lay covered on gym tables awaiting the arrival of the New York City medical examiner. The glass doors at the street level entrance designated as SPE-138 and located at 138th Street and Convent Avenue were shattered and secured behind police barricades. The stairs leading to the gymnasium itself were also strewn with paper debris.

The following is a brief synopsis of the events leading up to the incident and of what transpired on the evening of the December 28, 1991, based upon information gathered at the scene and interviews with College staff and police investigators.

Applications to use The City College's Nat Holman Gymnasium on December 20 and December 28 were submitted by Ms. Cassandra Kirnon, representing The City College Evening Student Government. (Through her attorney, Ms. Kirnon has declined to be interviewed until January 21.) Both application forms described the type of event as a "Celebrity Basketball Game." The applications were not fully completed and misrepresented the nature of the events. Specifically, the application forms lacked information about attendance expectations, admission fees, and the identities of the participants. Nevertheless, both applications were approved on December 18, 1991, by Mr. Jean Charles, the Director of Co-Curricular Life. Mr. Charles reports to Dr. George McDonald, the Vice President for Student Affairs at The City College.

According to Mr. Charles and Mr. John Araucuzos, Associate Director of Athletics, the December 20, 1991 event occurred without incident, although some expressed concern about the level of security coverage. According to Mr. Charles and Mr. Delaney, the extent of the promotion for the December 28th event, the identities of the celebrities, and the fact that the participants were RAP artists were not known to them until two days before the engagement. Ms. Kirnon, acting on behalf of the Evening Student Government, entered into a contractual agreement with an outside promoter without written authorization and in violation of University policy. College officials did not have a copy of the contract for the December 28th event prior to the second event itself; I obtained a copy of the contract on the evening of the 28th from Vice President McDonald, who indicated that he was not aware of it.

On the afternoon of December 28, 1991, Mr. Delaney arrived at approximately 3:45 pm and requested additional NYC Police presence when he observed approximately 1,500 people on Convent Avenue already awaiting access to The City College gym. Between 3:45 pm and 7:05 pm, the approximate time when the tragedy occurred, the New York City Police presence was augmented to 59 uniformed officers, plus four sergeants and one captain. During this period, except for a brief time when police entered the lobby to remove a barricade, all police personnel were stationed on Convent Avenue setting up and maintaining police barricades and lines.

Campus security at The City College normally consists of college staff and contract uniformed security guards (Pinkerton), retained by the college and reporting to Mr. Delaney. (Pinkerton guards were not retained specifically for this event.) In addition, on December 28th, private security, Muslims, subsequently identified as X-men, were enlisted by the sponsors, the students and the promoters of the event. According to Mr. Negron, these private security guards engaged in electronic searches and frisked individuals entering the building, which is a violation of University policy. Mr. Delaney informed me that routinely and on the 28th, his Pinkerton guards handled security in the building where the gym is located. Initially, there were 3 Pinkerton guards assigned to the gymnasium area. According to Mr. Anthony Hicks, a sergeant with Pinkerton at the time, at approximately 6:00 p.m., Ms. Kirnon approached him inside the gym and asked him to remove the guards from the gym area stating that "her people" would provide security inside the gym. Her exact words according to Hicks were: "We don't need you guys, we have our own security." Mr. Hicks complied

with Ms. Kirnon's request in violation of University policy. In addition, there were no college security posted in the stairwell leading to the gym.

There were, therefore, three security groups at The City College on December 28th: the New York City Police Department, stationed outside the building; City College personnel (including Pinkertons) who were inside the building and elsewhere on campus, but not inside the gym or in the stairwell or lobby; and the security enlisted by promoters and the Evening Student Government, who were in the gym, the lobby, and entry area at the base of the stairwell. There was no direct communication linkage among these three groups.

The capacity of the gymnasium is 2,730; however, varying accounts put the number of people who sought to gain admission at 3-4,000. Advanced sale tickets were available at two locations on West 125th Street in New York City. On December 28th, tickets were also sold inside the entrance lobby which provided access to the stairs leading down to the gym. Control of tickets was completely outside the purview of City College staff. According to New York City officials, the event was oversold, but the college has not been able to provide information regarding ticket sales.

According to Mr. John Araouzos, the Associate Director of Athletics at The City College, who was inside the gymnasium, at approximately 6:30-6:45 p.m., the gym was almost filled to capacity. He walked towards the northwest doors and, as he approached, he noticed two individuals lying on the floor, apparently injured, unconscious and being given CPR by parties unknown to him. He further observed two or three people holding the northwest doors closed. He opened these doors and was alarmed by the fact that the base of the stairs on the other side of the doors, as well as the stairwell, was filled with people. Mr. Araouzos pushed his way through the crowd, up the stairs and through the street level lobby and reached a uniformed New York City Police Officer, asking him to identify the ranking police superior officer on the scene. Mr. Araouzos was directed to a New York City Police Captain, whom I subsequently identified as Captain Daniel Carlin. According to Mr. Araouzos, he informed Captain Carlin of the crowd conditions and injured persons and requested police assistance. According to Mr. Araouzos, he was "lectured by the Captain" for five to ten minutes; however, when I questioned the amount of time, which is considerable in this context, Mr. Araouzos indicated that it might have been less. Whatever period of time elapsed, Captain Carlin proceeded to summon help on his

"walkie-talkie," and New York City police officers then cleared the street level lobby and the stairwell, facilitating entry of the EMS personnel. Throughout this time, both Mr. Delaney and Dr. McDonald, were inside the gymnasium by the southeast doors. Neither saw what Mr. Araouzos related. A short time after Mr. Araouzos left, Sgt. Anthony Hicks (Pinkerton) heard screams and responded to the northwest doors. At about 7:00 p.m., he radioed for back-up stating "emergency at 138 doors, people on the floor, send back-up." A few minutes later he called again, this time requesting EMS: "We need EMS, people passed out all over the floor." Mr. Hicks and Mr. Negron, also of Pinkerton, administered CPR to some of the victims.

Earlier in the evening, between 6:15 and 6:30 p.m., Mr. Negron observed that the two sets of glass doors on Convent Avenue that were used to funnel people into the building had been broken. Mr. Negron also observed (but did not notify other college officials) a young woman, who had fainted outside, being carried over the heads of the crowd into the building.

The exact cause of a "surge," if there was one, has, to date, not been ascertained. It is clear, however, that the crowd had been building for more than an hour. The victims, ultimately reaching nine, all died as a result of asphyxiation when their bodies were so compressed that they were unable to breathe. The medical examiner has since reported that none of the victims suffered any broken bones.

Of the total of 29 Pinkerton guards assigned to the science building complex that evening, three were CPR trained and two, Mr. Negron and Mr. Hicks, actually administered CPR to some of the victims. According to college staff, the injured were brought into the gym from the stairwell and given aid.

A similar event also advertised as a "Celebrity Basketball Game" was sponsored by the Evening Student Government of The City College at the same gymnasium on Friday, December 20, 1991. Although there were no injuries or reported mishaps on the 20th, Mr. Araouzos expressed concerns about what he felt was insufficient security to Ms. Kirnon and Mr. Charles at that time and to Mr. Delaney and Paul Bobb, the Athletic Director, at a subsequent time. Mr. Araouzos and Mr. Charles were both in attendance. The event of the 20th also featured RAP artists and admission was charged. City College officials have been unable to confirm whether any contract was executed between the Evening Student Government and others in connection with the December 20th event.

II. CONCERNS AND RECOMMENDATIONS

Administrative Concerns:

1. The application forms requesting authorization for the events on December 20th and 28th were incomplete and contained misrepresentations. Specifically, the anticipated attendance was not stipulated; there was no admissions charge indicated; and although the applications indicated a celebrity basketball game, the celebrities were not identified. Nevertheless, on December 18th the applications were approved by Mr. Charles without inquiry regarding the missing information.

2. On December 20th, a "Celebrity Basketball Game" was held in the same gymnasium and included RAP artists. Although there reportedly were some security concerns, the December 20th event took place without incident. According to President Harleston, who was not aware of either event, usage of the gymnasium for this type of activity is prohibited.

3. The nature of the December 28th event was known at least two full days prior to the performance. Moreover, a similar event held on December 20th should have alerted college officials to the actual nature of the December 28th event, particularly since applications for both events were virtually identical and submitted together.

4. Mr. Charles Delaney never informed his superior, Mr. Jon Yellin, Vice President of Administration, in advance of either event. However, Mr. Delaney did speak with Vice President McDonald regarding the December 28th event.

5. A daily security report, submitted by Mr. Delaney to Mr. Yellin on the 23rd, failed to mention the event on the 20th.

6. A contract for the December 28th event was entered into between the promoters and the student government sponsors instead of City College officials. Mr. Charles, the City College official who authorized the space reservation, indicated that he was not aware of the contract before or after the authorization form was signed. Dr. McDonald cannot confirm whether a contract document exists for December 20th.

7. Since the application form did not indicate that tickets would be sold, there was no college control of ticket printing, promotion, or sales.
8. To date, there has been no college accounting for the revenue generated by either event. The University Office of Internal Audit is currently reviewing these matters, as well as authorization of vendors present in the building.

Security Concerns:

1. There was no comprehensive college security plan for either event.
2. According to Mr. Delaney, the normal complement of campus security personnel on a Saturday 3pm to 11 p.m. shift is 18 security patrol officers and 3 security sergeants. On the night of December 28th, there were 23 security officers and 7 supervisors. Thus, the normal complement was increased by nine. Only 3 college guards were assigned to the gym itself area. The security/presence was removed from out the gymnasium at the request of Ms. Kirnon. There were no college guards assigned to the lobby and stairwell in which the tragedy occurred, nor was a guard assigned with a radio to New York City Police Department supervisory personnel at the scene on Convent Avenue. In addition, there were no radio or other communication protocols established between the college and the promoters, student government members and the security personnel that they retained. Neither Mr. Delaney nor Ms. Kirnon took steps to establish a communications network.
3. City College permitted the non-college security staff retained by the students to be responsible for security in the gym and lobby. City College also permitted the non-college security to frisk persons entering the building. These private security had no reporting responsibility to the City College Security Director. Thus, contrary to University policy, there was no centralized control of the building security and frisking was allowed to occur.
4. Security personnel provided by the promoters and student government were neither readily identifiable nor uniformed.
5. There was no prior notification to the University Security Director of these events. All colleges were informed of my availability for technical assistance for special events in the Fall.

6. There were no written post duties or instructions distributed to the security force on the evening of the tragedy.

7. Ticket sales were allowed "at the door" inside the same entrance where hundreds of ticket holders would have to pass.

Recommendations:

1. Notification to the University Security Director by the College Security Director should be required whenever a college is contemplating sponsoring or hosting any event which is deemed to be a security risk or gives rise to a concern for public safety. The security plans for such events should be developed by the College Security Director in consultation with the University Security Director.

2. Campus security is the direct responsibility of the College Security Director. All security staff must be under the control of the college. Except for appropriate law enforcement officials, all security personnel must take direction from the College Security Director or his designee when on college property.

3. It has already been announced that The City College has agreed to participate in the first phase of the University's security initiative. This will strengthen College security by providing trained peace officers. Every effort should be made to accelerate the restructuring of The City College security program through this effort.

4. Applications for such special events on college campuses should be submitted no later than 30 days prior to the event.

5. The applicants should be provided with a written statement of applicable college policies and regulations, with emphasis placed on security requirements. The application forms should require the applicant to acknowledge in writing the receipt of and agreement with these requirements. An operational security plan prepared by the College Security Director should be submitted to the University Security Director for review two weeks prior to the event.

6. A Central Office team, including the University Security Director, should examine the college reviews of security management and facilities usage that have already been requested by the Deputy Chancellor. It is essential that college policies and procedures be clear,

consistent and enforced. Overall responsibility for approving events should be well defined. In addition, authority to cancel an event should a safety concern arise after the event is approved should be made clear.

7. The University Security Officer should review the availability of electronic communications systems and security equipment on the campuses and make appropriate recommendations regarding critical needs.